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Regulations

TITLE 7—AGRICULTURE

Chapter X—War Food Administration (Production Orders)

[3d Rev. FPO 9-2]

PART 1220—FEED

DELIVERIES OF PROTEIN MEAL BY COUNTY AGRICULTURAL CONSERVATION COMMITTEES

Pursuant to the authority vested in me by Food Production Order No. 9, Revision No. 3 (8 F.R. 16960), it is hereby ordered, that:

§ 1220.4 *Deliveries of protein meal by County Agricultural Conservation Committees*—(a) *Deliveries of protein meal in New Mexico and certain counties in West Texas.* Effective immediately, no processor in New Mexico, or in Wichita and Brown Counties, Texas, and in all counties of Texas lying wholly west of a north and south line extended along the east line of Wilbarger County, shall deliver to any person, including a feeder, more than 500 pounds of protein meal within any thirty-day period unless such person, including a feeder, tenders at or before the time of delivery a signed statement approved, in the case of a feeder, by the County Agricultural Conservation Committee for the county in which the farm or ranch is located and, in the case of any other person, by the County Agricultural Conservation Committee for the county in which his place of business is located; and no such processor shall use in mixed feed more than 500 pounds of protein meal within any thirty-day period unless such use is approved by the County Agricultural Conservation Committee for the county in which the processor's mixed feed plant is located: *Provided, however,* That the requirements of this order shall not apply to protein meal set aside pursuant to Director's Order 1 (8 F.R. 16271), issued December 1, 1943, or to soybean oil meal produced for the Commodity Credit Corporation under contracts designated "CCC Soybean Form 106, 1943 Crop", and not sold to the processor by the Commodity Credit Corporation. The signed

statement of the person receiving meal from any processor, and the approval of such statement by the County Agricultural Conservation Committee, shall be in substantially the following form:

The undersigned declares to his vendor and to the War Food Administration that he is familiar with the provisions of Food Production Order No. 9, Revision No. 3, and that this purchase, acquisition, or acceptance of protein meal from such vendor is in compliance with the provisions of such order.

Purchaser

Date _____ Address _____
Approved for _____ of protein meal.
(tons) (pounds)
By _____
For the County Agricultural Conservation
Committee of _____ County,

Date _____
The approval of the processor's use of protein meal in mixed feed shall be in substantially the following form:

Name of Processor _____ of _____
Address of Processor _____
a processor engaged in the manufacture of
mixed feed, is hereby authorized to use
_____ of protein meal in
(tons) (pounds)
manufacture of mixed feed for the period
_____ to _____

By _____
For the County Agricultural Conservation
Committee of _____ County,
Date _____

The approval of the County Agricultural Conservation Committee as herein provided may be given by any member of the committee or by the administrative officer of the County Agricultural Conservation Association. The approval on behalf of the county committee shall be for a specified quantity of protein meal and such approval shall be given only if the delivery or use of such quantity is in accordance with the provisions of Food Production Order No. 9, Revision No. 3.

(b) *Deliveries of protein meal in Oklahoma and other parts of Texas.* Effective January 1, 1944, the area described in paragraph (a) above is hereby extended

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to include Oklahoma and the entire State of Texas.

(c) *Violations.* Any violation of this order shall be deemed to be the violation of Food Production Order No. 9, Revision No. 3.

(E. O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FPO 9, Rev. 3)

Issued this 18th day of December 1943.

J. B. HURSON,

Director of Food Production.

[F. R. Doc. 43-20336; Filed, December 22, 1943; 3:17 p. m.]

Chapter XI—War Food Administration (Distribution Orders)

[FDO 75, Amdt. 8]

PART 1410—LIVESTOCK AND MEATS

SLAUGHTER OF LIVESTOCK AND DELIVERY OF MEAT

Food Distribution Order No. 75, as amended (8 F.R. 11119, 14508, 15684, 15772, 16353, 16587, 16675, 16887), § 1410-15, issued under authority of the War Food Administrator on August 9, 1943, is further amended by striking the figure "270" following "200 to" and preceding "pounds" in the first sentence of paragraph (1) (1) and inserting in lieu thereof the figure "300".

This order shall become effective at 12:01 a. m., e. w. t., December 23, 1943.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under Food Distribution Order No. 75, as amended, prior to the effective date of this amendment, all provisions of said Food Distribution Order No. 75, as amended, in effect prior to this amendment, shall be deemed to remain in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 21st day of December 1943.

GROVER B. HILL,

Acting War Food Administrator.

[F. R. Doc. 43-20313; Filed, December 22, 1943; 11:21 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Board of Governors of the Federal Reserve System

[Regulation N]

PART 214—RELATIONS WITH FOREIGN BANKS AND BANKERS

Sec.	
214.1	Authority.
214.2	Information to be furnished to the Board.
214.3	Conferences and negotiations with foreign banks, bankers or States.
214.4	Agreements with foreign banks, bankers, or States, and participation in foreign accounts.
214.5	Amendments.

AUTHORITY: §§ 214.1 to 214.5, inclusive, issued under sec. 11 (1) and (j), 38 Stat. 262, sec. 10, 48 Stat. 181, sec. 6, 40 Stat. 235, as amended; 12 U.S.C. 248 (1) and (j), 348a, 358.

NOTE: In §§ 214.1 to 214.5, inclusive, the numbers to the right of the decimal point correspond with the respective section numbers in Regulation N, revised effective January 1, 1944.

§ 214.1 *Authority.* Pursuant to the authority conferred upon it by section 14 of the Federal Reserve Act, as amended (40 Stat. 235, 48 Stat. 181; 12 U.S.C. 358, 348a), and by other provisions of law, the Board of Governors of the Federal Reserve System prescribes the following regulations governing relationships and transactions between Federal Reserve Banks and foreign banks or bankers or groups of foreign banks or bankers or a foreign State as defined in section 25 (b) of the Federal Reserve Act (55 Stat. 131; 12 U.S.C. 632).

§ 214.2 *Information to be furnished to the Board.* In order that the Board of Governors of the Federal Reserve System may perform its statutory duty of exercising special supervision over all relationships and transactions of any kind entered into by any Federal Reserve Bank with any foreign bank or banker or with any group of foreign banks or bankers or with any foreign State, each Federal Reserve Bank shall promptly submit to the Board of Governors of the Federal Reserve System in writing full information concerning all existing relationships and transactions of any kind heretofore entered into by such Federal Reserve Bank with any foreign bank or banker or with any group of foreign banks or bankers or with any foreign State and copies of all written agreements between it and any foreign bank or banker or any group of foreign banks or bankers or any foreign State which are now in force, unless copies have heretofore been furnished to the Board. Each Federal Reserve Bank shall also keep the Board

of Governors of the Federal Reserve System promptly and fully advised of all transactions with any foreign bank or banker or with any group of foreign banks or bankers or with any foreign State, except transactions of a routine character.

§ 214.3 *Conferences and negotiations with foreign banks, bankers or States.* (a) Without first obtaining the permission of the Board of Governors of the Federal Reserve System, no officer or other representative of any Federal Reserve Bank shall conduct negotiations of any kind with the officers or representatives of any foreign bank or banker or any group of foreign banks or bankers or any foreign State, except communications in the ordinary course of business in connection with transactions pursuant to agreements previously approved by the Board of Governors of the Federal Reserve System. Any request for the Board's permission to conduct any such negotiations shall be submitted in writing and shall include a full statement of the occasion and objects of the proposed negotiations.

(b) The Board of Governors of the Federal Reserve System reserves the right, in its discretion, to be represented by such representatives as it may designate in any negotiations between any officer or other representative of any Federal Reserve Bank and any officers or representatives of any foreign bank or banker or any group of foreign banks or bankers or any foreign State; and the Board shall be given reasonable notice in advance of the time and place of any such negotiations; and may itself designate the time and place of any such negotiations.

(c) A full report of all such conferences or negotiations and all understandings or agreements arrived at or transactions agreed upon and all other material facts appertaining to such conferences or negotiations shall be filed with the Board of Governors of the Federal Reserve System in writing by a duly authorized officer of each Federal Reserve Bank which shall have participated in such conferences or negotiations, including copies of all correspondence appertaining thereto.

§ 214.4 *Agreements with foreign banks, bankers, or States, and participation in foreign accounts.* (a) No Federal Reserve Bank shall enter into any agreement, contract, or understanding with any foreign bank or banker or with any group of foreign banks or bankers or with any foreign State without first obtaining the permission of the Board of Governors of the Federal Reserve System.

(b) When any Federal Reserve Bank, with the approval of the Board of Governors of the Federal Reserve System, has opened an account for any foreign bank or banker or group of foreign banks or bankers or for any foreign State, or has entered into any agreement, contract, or understanding with reference to opening or maintaining such an account, or with reference to any other matter or matters, any other Federal

Reserve Bank may participate in such account, or in such agreement, contract, or understanding, and in operations and transactions performed therein or pursuant thereto, with the approval of the Board of Governors of the Federal Reserve System.

§ 214.5 *Amendments.* The Board of Governors of the Federal Reserve System reserves the right, in its discretion, to alter, amend or repeal these regulations and to prescribe such additional regulations, conditions, and limitations as it may deem desirable respecting relationships and transactions of any kind entered into by any Federal Reserve Bank with any foreign bank or banker or with any group of foreign banks or bankers or with any foreign State.

[SEAL] BOARD OF GOVERNORS OF
THE FEDERAL RESERVE
SYSTEM.

S. R. CARPENTER,
Assistant Secretary.

[F. R. Doc. 43-20347; Filed, December 22, 1943;
5:08 p. m.]

TITLE 24—HOUSING CREDIT

Chapter I—Federal Home Loan Bank Administration

[Bulletin 34]

PART 4—OPERATIONS OF THE BANKS

PLEDGING OF SECURITIES AS COLLATERAL FOR ADVANCES

DECEMBER 22, 1943.

Section 4.8 of the Rules and Regulations for the Federal Home Loan Bank System is hereby amended; effective December 22, 1943, to read as follows:

§ 4.8 *Securities held in trust or as collateral.* Bonds and negotiable securities held as collateral or in trust shall be placed either with a Federal Reserve Bank or branch thereof, with an incorporated financial institution or such other institution as may be approved by the Governor, or in a safety deposit box under dual control of two duly authorized officers of the Bank; *Provided, however,* That this regulation shall not apply to bonds and negotiable securities held in custody pursuant to the plan for the handling of security transactions of member institutions approved August 13, 1943.

(Sec. 15, 47 Stat. 736; 12 U.S.C. 1435; E.O. 9070, 7 F.R. 1529)

This amendment is deemed to be of a procedural character within the provisions of § 8.3 (b) of the Rules and Regulations for the Federal Home Loan Bank System.

[SEAL] JAMES TWOHY,
Governor.

HAROLD LEE,
General Counsel.
ORMOND E. LOOMIS,
Executive Assistant
to the Commissioner.

[F. R. Doc. 43-20343; Filed, December 22, 1943;
3:59 p. m.]

TITLE 29—LABOR

Chapter VII—War Manpower Commission

PART 908—NON-DEFERRABLE ACTIVITIES AND OCCUPATIONS

REVOCATION OF REGULATIONS

By virtue of the authority vested in me as Chairman of the War Manpower Commission by Executive Order No. 9279 (7 F.R. 10177), §§ 908.1 to 908.22, inclusive, of Part 908 (8 F.R. 7228, 11340), Non-Deferrable Activities and Occupations, are hereby revoked, effective December 5, 1943.

PAUL V. McNUTT,
Chairman.

DECEMBER 10, 1943.

[F. R. Doc. 43-20335; Filed, December 22, 1943;
2:07 p. m.]

Chapter IX—War Food Administration (Agricultural Labor)

PART 1105—SALARIES AND WAGES IN PICKING AND SNAPPING OF AMERICAN UPLAND COTTON

WORKERS IN CERTAIN CALIFORNIA COUNTIES

Part 1105 (8 F.R. 13884) is hereby amended as set forth below:

The title of Part 1105 is revised and amended to read as follows: "Part 1105—Salaries and Wages in Picking and Snapping of American Upland Cotton."

Section 1105.1 is revised and amended to read as follows:

§ 1105.1 *Area, crop and classes of workers.* Persons engaged in picking and snapping of American upland cotton in Kern, Kings, Tulare, Fresno, Madera, and Merced Counties, State of California, are agricultural labor as defined in § 4001.1 (1) of the regulations of the Office of Economic Stabilization issued on August 28, 1943 (8 F.R. 11960, 12139) as amended on December 9, 1943 (8 F.R. 16702).

Section 1105.2 is revised and amended to read as follows:

§ 1105.2 *Wage rates.* Notwithstanding the provisions of any contract or other commitment, no increases in wages or payments of wages to the agricultural labor described in § 1105.1 hereof shall be made in excess of the maximum rate set forth below without the approval of the War Food Administrator under the procedure provided for herein: *Provided,* That, if an employer was paying a particular employee doing the same type of work at a higher wage rate between January 1, 1942 and September 15, 1942, such employer may pay such employee at the wage rate paid during that period.

(a) *Maximum wage rates for picking American upland cotton.*

\$2.25 per hundred pounds seed cotton.

(b) *Maximum wage rates for snapping American upland cotton.*

\$1.50 per hundred pounds of seed cotton snapped.

The last sentence of paragraph (e) of § 1105.5 is amended and revised to read as follows:

The determination of the Administrator shall be final and shall not be subject to review by the Tax Court of the United States or by any court in any civil proceedings; *Provided, however,* That nothing herein is intended to deny the right of any employer or employee to contest in the Tax Court of the United States or in any court of competent jurisdiction the validity of:

(1) Any provision in this regulation on the ground that such provision is not authorized by law, or

(2) Any action taken or determination made under this regulation, on the ground that such action or determination is not authorized, or has not been taken or made in a manner required, by law.

(56 Stat. 765; 50 U.S.C. App. 961 et seq.; Pub. Law 34, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; regulations of the Director of Economic Stabilization, 8 F.R. 11960, 12139, 16702)

Issued this 22d day of December 1943.

WILSON COWEN,
Assistant War Food Administrator.

[F. R. Doc. 43-20364; Filed, December 23, 1943; 11:24 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-452]

SAMUEL HELLER LEATHER COMPANY, INC.

Samuel Heller Leather Company, Inc., is engaged in the business of buying leather, cutting it into soles and selling it to shoe manufacturers, partly for Army and Navy shoes and partly for shoes for civilians. The orders which it received for Army and Navy soles were rated orders. Under Priorities Regulation No. 3 it was authorized to extend such ratings only to material which would be physically incorporated in soles or used to replace in inventory material which had been so incorporated. Instead of applying these ratings to cuts of leather which would yield the largest possible quantity fit for military use, it wilfully applied its ratings to cuts of leather which would provide a large amount for civilian sole leather, and little, and in some cases, none, which was fit for military use. The company did this deliberately and wilfully in order to obtain a maximum of leather for its civilian business. This enabled the company to obtain its supply of raw material for civilian trade by obtaining the same through the extension of its Army and Navy rated orders. In one instance it

so obtained leather which it immediately sold at a profit to another dealer. Such conduct was in wilful violation of Priorities Regulation No. 3 as amended October 3, 1942.

The company also failed to keep accurate and complete records of its transactions in sole leather, in violation of Priorities Regulation No. 1, § 944.15. In view of the foregoing, it is hereby ordered, that:

§ 1010.452 *Suspension Order No. S-452.*

(a) Deliveries of hides or leather to Samuel Heller Leather Company, Inc., its successors or assigns, shall not directly or indirectly be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Samuel Heller Leather Company, Inc., its successors and assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall become effective on December 22, 1943, and shall expire on August 22, 1944.

Issued this 15th day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-20344; Filed, December 22, 1943; 4:40 p. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 11B, as Amended Dec. 21, 1943¹]

PREFERENCE RATINGS FOR MANUFACTURERS NOT OBTAINING PRODUCTION MATERIALS UNDER THE CONTROLLED MATERIALS PLAN

§ 944.32b *Priorities Regulation 11B—*

(a) *Purpose and scope.* The purpose of this regulation is to provide priorities assistance in obtaining production materials for the manufacture of products other than Class A or Class B products. The use of this regulation in obtaining priorities assistance is optional. Persons who can get production materials without ratings should not apply for priorities assistance. A manufacturer of a Class A or a Class B product cannot use this regulation to get priorities assistance to buy production materials needed for the manufacture of a Class A or a Class B product.

(b) *Definitions.* For purposes of this regulation:

(1) "Unclassified product" means any product which is neither a controlled ma-

terial, a Class A product, nor a Class B product, as those terms are defined in CMP Regulation No. 1.

(2) "Production material" means, with respect to any person, material or products (including fabricated parts and sub-assemblies) which will be physically incorporated in his unclassified product, and includes the portion of such material normally consumed or converted into scrap in the course of processing. It also includes items purchased by a manufacturer for resale to round out his line if such items do not represent more than 10 percent of his total sales. The term "production material" does not include manufacturing equipment or maintenance, repair or operating supplies as defined in CMP Regulation No. 5.

(c) *Applications for priorities assistance for production of unclassified products.* Any person who produces unclassified products and needs priorities assistance to obtain production materials may file an application on Form WPB-2613 (formerly PD-870). The application must not be based on a rate of production greater than that permitted under the restrictions of existing Limitation Orders or other applicable orders or regulations of the War Production Board.

The application must show all production materials (including products to round out a line) for which priorities assistance is requested. If an applicant desires priority assistance for materials where under an order or regulation of the War Production Board specification of quality and quantity must be shown, (for example, M-328—"Textiles, Clothing, Leather and Related Products"), the applicant must describe the material on the application form in sufficient detail to meet the requirements of the order or regulations before priorities assistance will be granted.

(d) *Holders of Form WPB-2613 (formerly PD-870) prohibited from extending customers' ratings.* A person who has received a rating or ratings on Form WPB-2613 (formerly PD-870) for production materials for a specified product shall not extend ratings received from his customers to purchase production materials for the same product during the quarters covered by the form except that

(1) Orders calling for delivery in the same quarter which have already been rated in accordance with applicable regulations or orders of the War Production Board need not be rerated, and

(2) A rating of AAA may be extended where necessary to obtain production material actually required to fill an order rated AAA, if such material is not actually on hand, but the rating may not be extended to replace inventories, and

(3) A rating may be extended to get cotton textiles as defined in Order M-317 required for direct or ultimate delivery or for incorporation into any material for ultimate delivery to the Army or Navy of the United States, the Maritime Commission, or the War Shipping Administration.

¹ This document is a restatement of Amendment 1 to Priorities Regulation 11B as Amended December 28, 1943, which appeared in the FEDERAL REGISTER of December 22, 1943, page 17229, and reflects the order in its completed form as of December 21, 1943.

(e) *Authorized production schedules.* (1) Every assignment of rating on Form WPB-2613 (formerly PD-870) will include authorization of a production schedule for the product for which the production materials are required. The authorization will set a maximum limit of production for the quarter.

(2) No producer who has received any rating on Form WPB-2613 (formerly PD-870) shall produce the product covered by the form in an amount exceeding his authorized production schedule.

(3) A producer shall be deemed to exceed an authorized production schedule if his completion of finished products exceeds the limits authorized, or if his rate of fabricating, assembling or otherwise processing, or acquiring raw materials or parts exceeds the practicable working minimum required to meet the authorized production schedule.

(e-1) *Restrictions on use of ratings.* No rating assigned on form WPB-2613 (formerly PD-870) may be used to buy any production material not listed on the form, nor may it be used to buy any item shown on List A of Priorities Regulation No. 3.

(f) *Miscellaneous provisions.*—(1) *Applicability of other regulations and orders.* This order and all transactions affected hereby are subject to all applicable regulations and orders of the War Production Board, as amended from time to time.

(2) *Violations.* Any person who willfully violates any provision of this regulation, or who, in connection with this regulation, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine up to \$10,000, or by imprisonment or both. In addition, such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All applications filed hereunder, and all communications concerning this regulation, shall, unless otherwise directed, be addressed to the War Production Board, Washington 25, D. C., Ref.: Priorities Regulation No. 11B.

Issued this 21st day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1

The term "production material" in paragraph (b) (1) includes material which, at any stage of production, enters into the chemical reaction necessary to the manufacture of an unclassified product. It also includes any material which is used as a solvent, wash or extractant at any stage of the production of chemicals. (Issued June 16, 1943.)

[F. R. Doc. 43-20358; Filed, December 23, 1943; 11:14 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[General Limitation Order L-287 as Amended Dec. 23, 1943]

PORTABLE CONVEYORS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of steel and other critical materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1226.57 *General Limitation Order L-287*—(a) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Portable conveyor" means any new conveyor, either wheel or crawler mounted (other than snow loaders), of the belt, drag, flight, or scraper type, or portable hopper car track unloader, used for the handling of loose bulk materials other than construction materials or excavated earth, but does not include underground mining machinery or conveyors mounted upon wheels designed to run on rails.

(3) "Approved order" means:

(i) Any purchase order for a portable conveyor, or parts for the repair or maintenance of a portable conveyor, bearing a preference rating of AA-5 or higher if placed with or accepted by a manufacturer or dealer on or after May 10, 1943, or A-1-c or higher if placed with and accepted by a manufacturer or dealer prior to said date; or

(ii) Any purchase order for portable conveyors for the Army, the Navy, the Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, and the Office of Scientific Research and Development. As used herein, the terms "Army", "Navy", "Maritime Commission", and "War Shipping Administration" shall not include any privately operated plant or shipyard financed by, or controlled by, any of those organizations, or operated on a cost-plus-fixed-fee basis.

(4) "Manufacture" means the fabrication, manufacture or assembly of portable conveyors.

(b) *Restrictions on acceptance of orders for, and deliveries of, portable conveyors.* (1) No manufacturer or dealer shall accept any order for any portable conveyor, or for parts for such a conveyor, from any person acquiring the same for use and not for resale, unless such order is an approved order.

(2) No manufacturer or dealer shall deliver any portable conveyor or parts for such a conveyor, to any person acquiring same for use and not for resale, and no such person shall accept delivery of any portable conveyor or parts, except pursuant to an approved order.

(c) *Exemption to paragraph (b) for certain orders for repair and maintenance parts.* (1) The provisions of paragraph (b) shall not apply to any order for, or to the delivery of, parts for necessary maintenance or repair of any portable conveyor, in an amount not exceeding \$300 for any single portable conveyor. No order shall be divided for the purpose of bringing it within the terms of this paragraph.

(2) No manufacturer or dealer shall accept an order (other than an approved order) for parts for the repair or maintenance of any portable conveyor, from any person acquiring such parts for use, or deliver such parts to such a person, unless the manufacturer or dealer knows or has reasonable cause to believe that such order or parts are exempted under the terms of paragraph (c) (1) of this order.

(d) *Restrictions on manufacture and delivery.* (1) Except as otherwise provided in paragraph (d) (2) hereof, on and after June 9, 1943, no person shall manufacture or deliver, and no person shall knowingly accept the delivery of, any portable conveyor, or parts for a portable conveyor, unless such conveyor or parts are manufactured in accordance with the specifications and restrictions on the use of materials prescribed in Schedule A hereto: *Provided, however,* That this restriction shall not apply to portable conveyors or parts manufactured, fabricated or processed prior to May 10, 1943, to a point where other use is impracticable.

(2) The limitations and restrictions of paragraph (d) (1) shall not apply:

(i) To any portable conveyors or parts delivered pursuant to any order accepted by the manufacturer prior to May 10, 1943, provided such delivery is made prior to June 9, 1943; or

(ii) To repair and replacement parts for use in any portable conveyor delivered prior to May 10, 1943, or for use in any portable conveyor the manufacture or delivery of which is permitted under the provisions of this paragraph (d); or

(iii) To portable conveyors or parts for delivery to, or for the account of, and for direct use by, the Army, Navy, Maritime Commission, or War Shipping Administration, delivered within 90 days after May 10, 1943, to the extent that any applicable specifications of the respective organization may require construction, design, or materials not in accordance with the provisions of this order. As used herein, the terms "Army", "Navy", "Maritime Commission", and "War Shipping Administration" shall not include any privately operated plant or shipyard financed by, or controlled by, any of those organizations, or operated on a cost-plus-fixed-fee basis.

(e) *Other limitation or conservation orders.* Nothing in this order shall be construed to permit any person to sell, deliver or otherwise transfer, or any manufacturer to purchase, receive delivery of, or otherwise acquire any raw materials, semi-processed parts, or finished products in contravention of the

terms of any "L", "M" or "R" order or amendment or supplements thereto, effective at the date of any such sale, delivery or transfer. Where the limitations imposed by any other "L", "M" or "R" order are applicable to the subject matter of this order, the most restrictive limitation shall apply, unless otherwise specifically provided herein.

(f) *Miscellaneous provisions*—(1) *Applicability of regulations*. This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as issued and amended from time to time.

(2) *Violations*. Any person who willfully violates any provisions of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using materials under priority control, and may be deprived of priorities assistance.

(3) *Appeals*. Any appeal from the provisions of this order, or any direction thereunder, shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(4) *Communications*. All reports to be filed and other communications concerning this order should be addressed to: War Production Board, General Industrial Equipment Division, Washington 25, D. C., Ref.: L-287.

(g) This order shall become and be effective on and after May 10, 1943.

Issued this 23d day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Restrictions and limitations on the use of materials in portable conveyors.

(a) As used in this schedule:

(1) "Alloy steel" and "alloy iron" means alloy steel and alloy iron as defined in Order M-21-a as amended and supplemented from time to time; and

(2) "Anti-friction bearings" means all types of ball, needle and roller bearings.

(b) "Portable conveyors": The materials listed below are restricted or prohibited in the construction of portable conveyors as prescribed below.

(1) No portable conveyor shall be manufactured which contains or uses any one or more of any of the following types of mechanisms, devices, parts or features:

(i) Power moving mechanisms (to make the conveyor self-propelled);

(ii) Power boom raising and lowering device;

(iii) [Deleted Dec. 23, 1943]

(iv) New anti-friction bearings, except in troughing belt carriers, and except for agricultural type bearings in wheel mountings;

(v) Vibrating screen discharge chutes; or

(vi) Flexible jointed or rigid curved booms.

(2) No portable conveyor or any part thereof, or nameplate or identification plates thereon, shall be manufactured containing any of the following materials: aluminum, cadmium, copper, chromium, nickel, tin, zinc, monel metal, alloy iron, alloy steel or copper bearing sheets; except that this paragraph

(b) (2) shall not apply to or restrict the use of bearing bushings or bearing linings, or of any such materials or finishes or alloys thereof when used in electric motors or internal combustion engines or parts thereof, (including controls and similar devices used therewith, and engine clutches either attached or detached from the engine), where not prohibited by the provision of any other limitation order or conservation order of the War Production Board applicable to such electric motors or internal combustion engines.

(3) No portable conveyor (other than a hopper car track unloader) shall be manufactured in which the length of the boom, in weight, measured from center to center of head and foot shafts, and with take-ups in short position exceeds 36 feet.

[F. R. Doc. 43-20359; Filed, December 23, 1943; 11:13 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Limitation Order L-90, Revocation]

CORSETS, COMBINATIONS AND BRASSIERES

Section 3290.21 *General Limitation Order L-90* is revoked. This revocation does not affect any liability incurred under the order. Manufacture and delivery of corsets, combinations and brassieres remain subject to all other applicable regulations and orders of the War Production Board.

Issued this 23d day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-20362; Filed, December 23, 1943; 11:14 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 7, as Amended Dec. 23, 1943]

OPTIONAL STANDARD FORM OF CERTIFICATION

§ 3175.7 *CMP Regulation 7*. (a) A certification in substantially the following form may (but need not) be used in lieu of any other certification required by any CMP regulation to be endorsed on a delivery order or to be furnished therewith:

The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the seller and to the War Production Board, that, to the best of his knowledge and belief, the undersigned is authorized under applicable War Production Board regulations or orders to place this delivery order, to receive the item(s) ordered for the purpose for which ordered, and to use any preference rating or allotment number or symbol which the undersigned has placed on this order.

Such certification shall be signed manually or as provided in Priorities Regulation No. 7.

(b) If the applicable CMP regulation requires an allotment number or symbol, preference rating or other identification to be included in a certification, such identification shall be placed on the delivery order or on such certification if the above form of certification is used.

(c) A procuring Claimant Agency may use a certification in substantially the following form in lieu of any other certifications required by any CMP Regulation to be endorsed on a delivery order or to be furnished therewith:

The use of the preference rating or symbol on this order by the undersigned as a procuring Claimant Agency is authorized under applicable CMP Regulations.

Issued this 23d day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-20361; Filed, December 23, 1943; 11:14 a. m.]

PART 3293—CHEMICALS¹

[Conservation Order M-297 as Amended December 23, 1943]

COAL TAR

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of coal tar acids for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.396¹ *Conservation Order No. M-297—(a) Definitions*. For the purpose of this order:

(1) "Coal tar" means tar produced by the destructive distillation of bituminous coal or lignite, and includes crude coal tar and refined coal tar.

(2) "Refined coal tar" means coal tar freed from water by evaporation or by distillation which is continued until the residue is of any desired consistency.

(3) "Coal tar oil" means any distillate of coal tar.

(4) "Tar acids" means phenol, cresols and xylenols, and any homologues thereof which are constituents of coal tar.

(5) "Producer" means any person who produces or imports coal tar, including any person who has coal tar produced for him pursuant to toll agreement.

(6) "Distiller" means any person who distills coal tar or who extracts tar acids from coal tar oil, including any person who has coal tar or coal tar oil so processed for him pursuant to toll agreement.

(b) *Restrictions on delivery and use*.

(1) No producer or distiller shall burn as fuel or otherwise use in excess of 1,000 gallons of coal tar during any calendar month except for purposes of distillation, and no producer or distiller shall deliver in excess of 1,000 gallons of coal tar during any calendar month to any person other than a distiller, unless:

(i) The coal tar shall have a low-boiling tar acid content of less than $\frac{1}{2}$ of 1%, determined in accordance with paragraph (c) (1); or

¹ Formerly Part 3219, § 3219.1.

(ii) The coal tar is to be used for application to or treatment of ingot molds or fish nets (qualities hereby exempted are in addition to the 1,000 gallons referred to above); or

(iii) Specifically authorized by the War Production Board upon application pursuant to paragraph (d).

(2) On and after May 1, 1943, no distiller shall use coal tar oil, except for the extraction of tar acids, and no distiller shall deliver coal tar oil to any person other than a distiller, unless:

(i) The coal tar oil shall have been produced or received by such distiller prior to May 1, 1943; or

(ii) The coal tar oil, without processing for the extraction of tar acids, shall have a low-boiling tar acid content of less than 1½% as determined in accordance with paragraph (c) (2); or

(iii) The coal tar oil, if processed for the extraction of tar acids, shall have a low-boiling tar acid content of less than 1% as determined in accordance with paragraph (c) (2); or

(iv) Specifically authorized by the War Production Board upon application: (a) Pursuant to paragraph (d) hereof if the total tar acid content of the coal tar oil equals less than 5% of such oil, or (b) Pursuant to General Preference Order M-27, as now or hereafter amended, if the total tar acid content of the coal tar oil equals 5% or more of such oil.

(3) The War Production Board, at its discretion, may from time to time issue special directions to any producer or distiller with respect to distillation, processing, use or delivery of coal tar or coal tar oil by such producer or distiller.

(c) *Methods of test.* For the purpose of this order:

(1) The low-boiling tar acid content of any coal tar shall be determined from a representative sample of such tar by the following procedure: The sample of the coal tar shall be distilled by Method A. S. T. M. D 20-30 to an indicated temperature of 270 degrees Centigrade. The total quantity of tar acids contained in the total distillate to 270 degrees Centigrade shall be determined by Method A. S. T. M. D 453-41 (omitting distillation required by paragraph 3 (a) thereof) and shall be stated as a percentage by volume of the original sample of coal tar on a water-free basis. Such percentage shall be considered the low-boiling tar acid content of the coal tar of which the sample was representative.

(2) The low-boiling tar acid content of any coal tar oil shall be determined from a representative sample of such oil by the following procedure: The sample of the coal tar oil shall be distilled by Method A. S. T. M. D 246-42 to an indicated temperature of 270 degrees Centigrade. The total quantity of tar acids contained in the total distillate to 270 degrees Centigrade shall be determined by Method A. S. T. M. D 453-41 and shall be stated as a percentage by volume of the original sample of coal tar oil on a water-free basis. Such percentage shall be considered the low-boiling tar acid content of the coal tar oil of which the sample was representative.

(d) *Applications and reports.* (1) Each producer or distiller seeking authorization to use or deliver coal tar pursuant to paragraph (b) (1) (ii), and each distiller seeking authorization to use or deliver coal tar oil pursuant to paragraph (b) (2) (iv) when such coal tar oil has a total tar acid content of less than 5%, shall file application on Form PD-602 in the manner prescribed therein, subject to the following instructions for the purpose of this order:

(i) *Form PD-602.* Copies of Form PD-602 may be obtained at local field offices of the War Production Board.

(ii) *Time.* Application on Form PD-602 shall be filed on or before the 20th day of the month preceding the month for which authorization to use or make delivery is requested.

(iii) *Number of copies.* Four copies of each application shall be prepared, of which one shall be retained by the applicant and three certified copies shall be forwarded to the War Production Board, Chemicals Division, Washington 25, D. C., Ref.: M-297.

(iv) *Heading.* Under name of chemical, specify coal tar or coal tar oil, as the case may be; leave blank the space for grade; specify order number M-297; specify the month during which the coal tar or coal tar oil is to be used or delivered; under unit of measure, specify gallons; and otherwise fill in as indicated.

(v) *Column 1.* List alphabetically names of proposed deliveries. At the end of this list the applicant shall indicate his request for authorization for his own use by inserting words, "own use" in this column and by filling in the other columns as in the case of any other customer.

(vi) *Column 1a.* Specify the purpose for which the coal tar or the coal tar oil will be used, either by the proposed deliverer or by the applicant. For example, specify open hearth fuel, creosote solutions, saturating roofing felt, or road paving.

(vii) *Columns 4, 5, 5a, and 6.* Fill in as indicated, leaving Column 6 blank.

(viii) *Column 7.* If application is for coal tar, state in this column whether tar wanted is crude or refined, and state the low-boiling tar acid content of such tar as determined pursuant to paragraph (c) (1). If application is for coal tar oil, state in this column the low-boiling tar acid content of such oil as determined pursuant to paragraph (c) (2).

(ix) *Rolling stock requirements.* Leave the columns blank at the end of Table 1 relating to number of covered hopper cars and number of tank cars required.

(x) *Table II.* Leave blank.

(2) Each producer or distiller who does not know the purpose for which the coal tar or coal tar oil to be delivered by him pursuant to application under paragraph (d) (1) will be used, may request such information from the prospective deliverer and such prospective deliverer shall furnish such information upon such request.

(3) Receipt by a producer or distiller of Form PD-602 signed by the War Production Board shall constitute authorization to such producer or distiller to use for the purposes specified, or to deliver, the quantities of coal tar or coal tar oil indicated in Column 6.

(4) The War Production Board may require each person affected by this order to file such other reports as may be prescribed, and may issue special directions to any producer or distiller with respect to preparing and filing Form PD-602.

(e) *Notification of customers.* Each producer and distiller shall, as soon as practicable, notify each of his regular customers of the requirements of this order and all amendments hereto, and shall, upon receipt of authorization on Form PD-602, notify each customer listed therein of the quantity of coal tar or coal tar oil authorized for delivery to him.

(f) *Miscellaneous provisions.*—(1) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable War Production Board regulations as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(3) *Communications to the War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C., Ref.: M-297.

Issued this 23d day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-20360; Filed, December 23, 1943; 11:14 a. m.]

Chapter XI—Office of Price Administration PART 1341—CANNED AND PRESERVED FOODS [MPR 306, Amdt. 22]

CERTAIN PACKED FOOD PRODUCTS

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 306 is amended in the following respect:

1. Section 1341.588 is added to read as follows:

§ 1341.588 *Maximum prices for fruits, berries and vegetables packed in glass containers.* The provisions of this section apply only to commodities packed in the container sizes listed below and where the pricing provisions relating to such commodities do not contain specific

*Copies may be obtained from the Office of Price Administration.

18 F.R. 1114, 1313, 2921, 3732, 3853, 4179, 4633, 4840, 6617, 10304, 10558, 10725, 10824, 10986, 11247, 11296, 11806, 12791, 13707.

dollars-and-cents maximum prices for the commodities packed in glass, or a method of determining such a price by adding a specific amount or taking a certain percentage of a dollars-and-cents price.

(a) *Fruits and berries.* The processor's maximum price for any variety, style and grade of the fruits and berries covered by this regulation which are packed in glass containers of any of the sizes listed in the table below, and which the processor did not sell in those container types and sizes during the first 60 days after the beginning of the 1941 pack (or other base period applicable to such commodity under Maximum Price Regulation No. 185) shall be 20 cents per dozen more than the maximum price for the same variety style and grade packed in the equivalent can size.

(b) *Vegetables.* The processor's maximum price for any variety, style, and grade of the vegetables covered by this regulation which are packed in glass containers of any of the sizes listed in the table below, and which in the case of formula-priced commodities, the processor did not sell in that container type and size during the first 60 days after the beginning of the 1941 pack (or other base period applicable to such vegetable under the pricing provisions of this regulation) shall be 15 cents per dozen more than the maximum price for the same variety, style and grade packed in the equivalent can size.

CONTAINER EQUIVALENTS

Name	Dimension	Overflow capacity	
		Tin	Glass
		Ounces	Ounces
No. 1 Picnic.....	211 x 400.....	10.94	11 1/4
No. 300.....	300 x 407.....	15.22	15 1/2
No. 1 Tall.....	301 x 411.....	16.70	17
No. 303.....	303 x 406.....	16.88	17
No. 2.....	307 x 409.....	20.55	22.75
No. 2 1/2.....	401 x 411.....	29.79	28.375
No. 3 Cyl.....	404 x 700.....	51.70	49

When a processor is able to establish maximum prices under the provisions of this section, the procedure set forth in § 1341.557 shall not be applicable.

This amendment shall become effective December 29, 1943.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-20324; Filed, December 22, 1943;
12:28 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 47, Amdt. 1]

WASTE RAGS, WASTE ROPES AND WASTE STRINGS

A statement of the considerations involved in the issuance of Amendment No.

* 8 F.R. 270.

1 to Maximum Price Regulation No. 47 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 47 is amended in the following respects:

1. In Appendix A, paragraph (a), the grade of "No. 1 Clean Bright Sisal Strings" is amended to read "No. 1 Clean Bright Sisal Strings and/or No. 1 Small Old Sisal Rope."

2. In Appendix A, paragraph (a), the grade of "No. 1 Small Old Sisal Rope" is deleted.

3. In Appendix A, paragraph (a), footnote 18 is amended to read as follows:

"No. 1 clean, bright sisal strings consists of new or old, clean, bright sisal strings free from cotton, jute, paper, tannery strings, rags, rubber, straw, and all other foreign materials. No. 1 small old sisal rope consists of the same rope as defined in No. 1 large old sisal rope, except that the rope may be less than 3/4" in diameter.

4. In Appendix A, paragraph (a), footnote 21 is deleted.

This Amendment No. 1 to Maximum Price Regulation No. 47 shall become effective December 29, 1943.

(56 Stat. 23,765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-20327; Filed, December 22, 1943;
12:29 p. m.]

PART 1349—ELECTRICAL GENERATION, TRANSMISSION, CONVERSION AND DISTRIBUTION APPARATUS

[RPS 82, Amdt. 5]

WIRE, CABLE, AND CABLE ACCESSORIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1349.20 (b) of Revised Price Schedule 82 is amended to read as follows:

(b) *Seller's price based on cost lower than supplier's base date price.* (1) Notwithstanding any other provision of this regulation, the maximum price for the sale by a seller other than a manufacturer of wire, cable, and cable accessories for which the seller had a price in effect on October 15, 1941, which was based on a cost lower than the price his supplier had in effect to him on that date, shall be determined as follows: Divide the price your supplier would have charged you on the base date, had you made a purchase, by the cost on which your base date selling price was calculated. Then multiply this percentage increase in cost by your net base date selling price to each of your classes of trade

*Copies may be obtained from the Office of Price Administration.

(i. e., net selling price to each class of customer). No adjustment may be made under this paragraph until the Office of Price Administration approves such adjustment in writing.

(2) *Reports.* A seller, other than a manufacturer, who desires to increase his prices for wire, cable and cable accessories in accordance with subparagraph (1) shall file a report with the Office of Price Administration in Washington, D. C. This report shall contain the following information:

(i) The name and address of the immediate supplier, as well as the manufacturer, of the item. If the manufacturer is also the supplier, include a statement to that effect.

(ii) A description of the item.

(iii) The price or prices your supplier would have charged you on the base date, October 15, 1941, had you made a purchase, and the date such prices became effective.

(iv) The cost upon which your base date selling price was calculated, and the period during which such cost was effective.

(v) Your net price or prices (i. e., net prices to all different classes of trade) in effect on the base date and the date such price or prices became effective.

(vi) The maximum price or prices determined in accordance with subparagraph (1) and the class of purchasers (your customers) to which each price applies. Note: divide the prices (costs) listed in subdivision (iii) above, by the respective prices (costs) in subdivision (iv), and multiply this percentage increase in cost by the base date selling price in subdivision (v). The resulting answer is your maximum price.

This amendment shall become effective December 29, 1943.

NOTE: All reporting provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328; 8 F.R. 4681)

Issued this 22d day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-20323; Filed, December 22, 1943;
12:27 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 495, Correction]

MISCELLANEOUS BAKERY PRODUCTS

Maximum Price Regulation No. 495 is corrected in the following respects:

1. The last sentence in section 5 is corrected so as to read as follows:

This notice must be made in the manner prescribed in section 5 of Maximum Price Regulation No. 495.

2. The word "products" in section 6 is corrected to read "producers".

* 8 F.R. 15936.

3. The word "retainer" in the first sentence in Appendix B is corrected to read "retailer".

This correction shall become effective December 29, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-20325; Filed, December 22, 1943;
12:27 p. m.]

PART 1382—HARDWOOD LUMBER*

[MPR 146; Amdt. 16]

APPALACHIAN HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 146 is amended in the following respects:

1. In § 1382.11 (b), the following is added to the notes under subparagraph 23):

Deduction for mixed hardwoods. For Mixed Hardwoods—Freight Car Stock, Common Dimension, Mine Car Lumber, deduct \$4.00 from the maximum price for White Oak or Red Oak—Freight Car Stock, Common Dimension, Mine Car Lumber, in the same size as shown in above schedule.

2. In § 1382.11 (g) (3), the first paragraph is amended to read as follows:

(3) *Trucking to railhead.* When a truck haul precedes rail shipment, as when a mill located away from a railhead hauls lumber by truck to the railhead, no addition may be made for the truck haul. However, in the following two cases a mill may apply for special permission to make an addition:

This amendment shall become effective December 29, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-20326; Filed, December 22, 1943;
12:30 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 25,¹
Amdt. 20]

JAMESTOWN, N. Y., AND WARREN, PA.

In § 1388.1201 of Designation and Rent Declaration 25, item 267 (Warren) is added and item 140 (Jamestown) is amended to read as follows:

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 3776, 4179, 4852, 5520, 6053, 6998, 7600, 7747, 8198, 8350, 8384, 8948; 8 F.R. 3056, 5479, 9998, 14984, 15737.

² 7 F.R. 3195, 3892, 4179, 5812, 6389, 7245, 8356, 8507, 9954, 10081; 8 F.R. 121, 1228, 4779, 5738, 9021, 10738, 12094, 13919, 14763, 15581, 16208.

(140) Jamestown, New York, County of Chautauqua.
(267) Warren, Pennsylvania, County of Warren.

This amendment shall become effective January 1, 1944.

(56 Stat. 23, 765)

Issued this 22d day of December 1943.

CHESTER BOWLES, Administrator.

[F. R. Doc. 43-20322; Filed, December 22, 1943; 12:30 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Rent Reg. for Hotels and Rooming Houses,¹ Amdt. 11]

BOISE, IDAHO; WARREN, PA.; AND JAMESTOWN, N. Y.

Items 80a (Boise) and 270a (Warren) are added to Schedule A of the Rent Regulation for Hotels and Rooming Houses and item 203 (Jamestown) in the said Schedule A is amended to read as follows:

Name of defense-rental area	State	County or counties in defense-rental area under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(80a) Boise.....	Idaho.....	Ada and Elmore.....	Jan. 1, 1943	Jan. 1, 1944	Feb. 15, 1944
(203) Jamestown.....	New York.....	Chautauqua.....	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(270a) Warren.....	Pennsylvania.....	Warren.....	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942

This amendment shall become effective January 1, 1944. This amendment shall not release or extinguish any penalty, duty, or liability incurred under the Rent Regulation for Hotels and Rooming Houses.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765)

Issued this 22d day of December 1943.

CHESTER BOWLES, Administrator.

[F. R. Doc. 43-20320; Filed, December 22, 1943; 12:27 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Rent Reg. for Housing,² Amdt. 14]

BOISE, IDAHO; WARREN, PA.; AND JAMESTOWN, N. Y.

Items 80a (Boise) and 270a (Warren) are added to Schedule A of the Rent Regulation for Housing and item 203 (Jamestown) in the said Schedule A is amended to read as follows:

Name of defense-rental area	State	County or counties in defense-rental area under rent regulation for housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(80a) Boise.....	Idaho.....	Ada and Elmore.....	Jan. 1, 1943	Jan. 1, 1944	Feb. 15, 1944
(203) Jamestown.....	New York.....	Chautauqua.....	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(270a) Warren.....	Pennsylvania.....	Warren.....	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942

This amendment shall become effective January 1, 1944. This amendment shall not release or extinguish any penalty, duty, or liability incurred under the Rent Regulation for Housing.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765)

Issued this 22d day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-20321; Filed, December 22, 1943;
12:27 p. m.]

¹ 8 F.R. 14676, 14814, 15581, 16032, 16207, 16427.

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,³ Amdt. 92]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respects:

1. Section 1394.8177 (h) is added to read as follows:

(h) Nothing in this section shall be construed to prohibit the surrender of coupons or other evidences, in exchange for a transfer of gasoline subsequent to the time at which they are required to be surrendered. However, such late sur-

² 8 F.R. 14663, 14815, 15585, 16032, 16208, 16427.

³ 8 F.R. 15937.

render shall not relieve the transferor or the transferee of the consequences of the failure to receive or surrender coupons or other evidences at the time required.

2. Section 1394.8206a (a) is amended by inserting after the second sentence, the following sentence:

An account for a facility of a licensed distributor may be opened and maintained either in the name of such licensed distributor or in the name of the consignee or other person who has charge of the operation and management of such place of business, provided the signature card for such account shows the name and address of the licensed distributor who furnishes gasoline to such place of business.

3. Section 1394.8206b (a) (13) is added to read as follows:

§ 1394.8206b *Deposits.* (a) Every distributor shall deposit in his account all gasoline coupons or other evidences (including checks) received by him, except as provided in paragraph (c) hereof: *Provided*, That a distributor shall not deposit:

(13) Any coupon sheet (Form OPA R-120 which does not contain the information required by § 1394.8211.

4. Section 1394.8207 (a) (3) is added to read as follows:

(3) When any dealer or distributor transfers, to any other dealer or distributor, gasoline for which a surrender of coupons or other evidences is required, the duty of such transferee to surrender, and of such transferor to obtain coupons or other evidences shall continue until coupons or other evidences, which are valid for use in exchange for such a transfer of gasoline and which have a gallonage value equal to the quantity of gasoline transferred, have been surrendered.

5. Section 1394.8218 (d) is amended by inserting after the first sentence, the following sentence:

Gasoline deposit certificates, coupons and other evidences received by or for a facility of a licensed distributor shall be deemed to have been received on behalf of the licensed distributor who operates or furnishes gasoline upon consignment to such place of business and, when on hand at the place of business at which they were received or on deposit in a ration bank account maintained either in the name of the licensed distributor who furnishes gasoline upon consignment to that place of business or in the name of the consignee or other person who operates that place of business, they shall be deemed to be in the possession of and subject to control by such licensed distributor.

This amendment shall become effective December 22, 1943.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, 507, 77th Cong.;

WPB Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 22d day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-20334; Filed, December 22, 1943;
12:30 p. m.]

PART 1427—MAGNESIUM

[MPR 314,¹ Amdt. 4]

MAGNESIUM AND MAGNESIUM ALLOY INGOT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 314 is amended in the following respects:

1. Section 1427.51, paragraph (a) is amended to read as follows:

(a) *Maximum base prices.* The maximum base prices for magnesium and magnesium alloy ingot shall be the following:

	Maximum base price (cents per pound)
Magnesium ingot (commercially pure).....	20.50
Selected magnesium crystals, crowns and muffs.....	23.50
Magnesium alloy ingot:	
Incendiary bomb alloy.....	23.40
50-50 magnesium-aluminum alloy.....	23.75
ASTM B93-41T No. 11.....	25.00
ASTM B93-41T No. 13x.....	25.00
All other alloys.....	23.00

¹ Shall include all packing, screening, barreling, handling and other preparation charges.

2. Section 1427.51, subparagraph (b) (3) is amended to read as follows:

(3) *Packing.* If magnesium, other than selected crystals, crowns and muffs, or magnesium alloy ingot is paper-packed or shipped in wire-bound bundles, a charge of ½ cent per pound may be added to the applicable maximum base price.

3. Section 1427.58, paragraph (a) (2) is amended to read as follows:

(2) "Magnesium and magnesium alloy ingot" means all kinds and grades of ingot (including cast billets) containing 50 percent or more magnesium by weight, except remelt magnesium ingot (i. e., ingot in which the magnesium content is derived principally from scrap), and includes selected magnesium crystals, crowns and muffs. Maximum prices for remelt magnesium ingot are established by Maximum Price Regulation No. 302—Magnesium Scrap and Remelt Magnesium Ingot.

This amendment shall become effective December 29, 1943.

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 1367, 2154, 2040, 7106, 10667.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-20331; Filed, December 22, 1943;
12:28 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 69]

RECONDITIONED VALVES AND USED VALVES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 6.33 is added to read as follows:

SEC. 6.33 *Maximum prices for sales of reconditioned valves and used valves.* (a) On and after the 29th day of December 1943, regardless of any contract, agreement, lease, or other obligation, no person shall sell, and no person in the course of trade or business shall buy any reconditioned valve or used valve at prices in excess of the following maximum prices:

(1) The maximum price for any reconditioned valve shall not be in excess of 80 percent of either the original manufacturer's net price to jobbers for the new valve or any other manufacturer's net price to jobbers for a new valve of identical type.

(2) The maximum price for any used valve shall not be in excess of 40 percent of either the original manufacturer's net price to jobbers for the new valve or any other manufacturer's net price to jobbers for a new valve of identical type.

(b) *Definitions.* As used herein, the term:

"Valve" means any manually or motor-operated device designed to regulate, direct, or stop the movement of any liquid, gas, or vapor, in a piping system, tank, or any other restricted area, and includes, but is not limited to, angle, check, cross, gate, globe, or plug valve, or any evolution of these basic types.

"Reconditioned valve" means any used valve which has been subjected to the following recondition steps:

(1) The valve has been completely disassembled;

(2) The valve's operating mechanism has been thoroughly examined with particular attention to the seat;

(3) All defective or worn parts have been replaced with new parts;

(4) The valve has been reassembled and painted;

(5) A hydrostatic test at double the rated water working pressure of the valve has been applied and the valve was found to be free from leaks, defects, and in free working order.

"Used valve" means any valve which had been, at any time, incorporated into or connected to a piping system, ma-

chinery, or operating mechanism, and which has not been reconditioned as set forth above.

"Manufacturer's net maximum price to jobbers" means the manufacturer's published list price less the applicable published ("J" sheet) discount extended by the manufacturer on sales to jobbers during the period October 1-15, 1941.

(c) *Discounts and allowances.* The maximum prices established in paragraph (a) above shall be subject to at least the same cash discounts extended by the seller during the month of March 1942, to his various classes of customers.

(d) *Delivery.* The maximum prices established in paragraph (a) above are f. o. b. seller's usual place of business, but shall include free local delivery within customary free local delivery zones recognized as such by the seller during the month of March 1942.

(e) *Tagging requirements.* Every person selling a reconditioned valve under this section 6.33, must attach to each valve a tag having substantially the following guarantee printed thereon:

This valve has been reconditioned in accordance with the provisions of section 6.33 of Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation and this valve is fully guaranteed to operate at the working pressures for which it was originally designed.

(f) *Installed sales.* The sale of a reconditioned valve or a used valve on an installed basis is not covered by this section. Such a sale is covered by the applicable Maximum Price Regulation.

(g) *Notification of purchasers of existence of this section 6.33.* Every person selling reconditioned valves or used valves subject to this section shall, before making an initial sale to each purchaser, notify each purchaser of the existence of this section and, upon request of such purchaser, make available a copy of it for examination.

(h) *Records.* Every person selling reconditioned valves or used valves subject to this section, shall have available for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, a record of each sale made under this section showing the date of the sale, the name and address of the purchaser, the manufacturer's plate number of the original valve, the list price of the original valve, the discount extended, as published by the manufacturer to jobbers, the further discount allowed by the seller as set forth in paragraph (a) and (c) and the point of delivery of the shipment.

(i) *Reports.* All persons making sales subject to the provisions of this section shall submit such reports as the Office of Price Administration may at any time request, subject to the approval of the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(j) *Geographical applicability.* This section 6.33 applies only in the 48 states of the United States and the District of Columbia.

This Amendment No. 69 shall become effective December 29, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-20332; Filed, December 22, 1943;
12:29 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 70]

ROSIN SIZE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new section 4.17 is added to read as follows:

SEC. 4.17 *Sales of rosin size by manufacturers*—(a) *Maximum prices.* The maximum price per hundred pounds for a sale by a manufacturer of rosin size shall be the maximum price established without the use of this section 4.17, plus an amount equal to the difference between the current market price and the highest market price during March 1942 per hundred pounds of the grade of gum rosin contained in the rosin size being priced multiplied by the percentage of such gum rosin specified by the applicable formula as contained in such rosin size. The actual percentage of such gum rosin per 100 pounds of such rosin size which is delivered shall not vary more than three percent from the percentage specified by the formula.

(b) *Invoices.* The manufacturer shall show as separate items on all invoices for such rosin size the maximum price per 100 pounds for a sale of rosin size established under the General Maximum Price Regulation without the use of this section 4.17, the difference between the current market price and the highest market price during March 1942 per hundred pounds of the grade of gum rosin specified by the applicable formula as contained in such rosin size, and the adjusted maximum selling price under this section 4.17. An invoice containing the above required information shall be furnished the buyer prior to payment by him.

(c) *Definitions.* "Market price" means the price quoted for gum rosin on the Savannah, Georgia Cotton and Naval Stores Exchange for deliveries at Savannah, Georgia. "Current market price" means the price so quoted on the day the manufacturer accepts the order for the rosin size being priced.

"Rosin size" means rosin size containing gum rosin.

This amendment shall become effective December 29, 1943.

*Copies may be obtained from the Office of Price Administration.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-20333; Filed, December 22, 1943;
12:29 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 409, Incl. Amdt. 8]

FROZEN FRUITS, BERRIES AND VEGETABLES (1943 PACK AND AFTER)

Sections 2, 3 (b) (2) (ii), (iii) are amended; section 17 added; section 5 (a) (1) revoked; sections 5 (a) (2), (3), (4) redesignated (1), (2), (3) by Amendment 8, effective December 29, 1943, so that Maximum Price Regulation No. 409 shall read as follows:

This regulation is issued in order to establish prices for frozen fruits, berries and vegetables at levels which are generally fair and equitable and which will aid in stabilizing the cost of living. A statement of the considerations involved in the issuance of this regulation has been issued and filed with the Division of the Federal Register.*

§ 1341.602 *Maximum prices for packers and certain other sellers of frozen fruits, berries and vegetables (1943 pack and after).* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation No. 409 (Frozen Fruits, Berries and Vegetables (1943 pack and after)), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1341.602 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 409—FROZEN FRUITS, BERRIES AND VEGETABLES (1943 PACK AND AFTER)

ARTICLE I—EXPLANATION OF THE REGULATION

Sec.

1. Explanation of the regulation.

ARTICLE II—PRICES AND PRICING METHODS

- Maximum prices which packers may charge for frozen fruits, berries and vegetables packed and frozen in barrels.
- Maximum prices which packers may charge for frozen fruits, berries and vegetables packed and frozen in containers other than barrels.
- Maximum prices for distributors other than wholesalers and retailers.

ARTICLE III—GENERAL PROVISIONS

- Relationship between this regulation and Maximum Price Regulation No. 207 and the General Maximum Price Regulation.
- Geographical applicability.

*8 F.R. 9293.

*Statements of considerations are also issued simultaneously with amendments. Copies may be obtained from Office of Price Administration.

- Sec.
7. Export and import sales.
 8. Inability to fix maximum prices.
 9. Adjustable pricing.
 10. Customary discounts and allowances.
 11. Storage.
 12. Units of sale and fractions of a cent.
 13. Position of brokers.
 14. When a maximum price figured under Sec. 3 is established.
 15. Compliance with the regulation.
 - 15a. Licensing.
 16. General amendments.
 17. Transfers of business or stock in trade.
 18. Reports which packers must file.
 19. Records which packers must keep.

ARTICLE I—EXPLANATION OF THE REGULATION

SECTION 1. *Explanation of the regulation.* The purpose of this regulation is to establish maximum prices for frozen fruits, berries and vegetables, packed after the 1942 pack, in sales by persons other than wholesalers and retailers (wagon wholesalers, however, are included). To this extent, the regulation supersedes Maximum Price Regulations Nos. 207⁸ and 255.⁴ (The "1942 pack" of any product means the pack of which the major portion was frozen and packed during the calendar year 1942.) Prices established by this regulation are in effect from June 16, 1943.

Maximum prices for the wholesalers and retailers (but not wagon wholesalers) of frozen fruits, berries and vegetables are governed by separate regulations which set fixed margins for these distributors according to their size and manner of doing business. "Wholesaler" and "retailer" means the persons respectively referred to as "wholesalers" and "retailers" in those regulations, except that in this regulation wagon wholesalers are treated as a distinct type of distributor.

ARTICLE II—PRICES AND PRICING METHODS

SEC. 2. *Maximum prices which packers may charge for frozen fruits, berries and vegetables packed and frozen in barrels—(a) Maximum prices for listed barreled products—(1) In barrels having a capacity of 50 gallons or more.* The maximum prices per pound, f. o. b. shipping point, which a packer may charge for the following fruits, berries and vegetables packed and frozen, after the 1942 pack, in barrels having a capacity of 50 gallons or more, shall be:

Variety and sugar basis	Maximum price per pound, cents
Cherries:	
4+1	13½
5+1	14
Blackberries:	
Straight	17½
Boysenberries:	
Straight	17½
Gooseberries:	
Straight	13½
Loganberries:	
Straight	17½
Raspberries, black:	
4+1	17½
5+1	18½
Straight	18½

⁸ 8 F.R. 2977.⁴ 8 F.R. 2988, 3946, 5164.

Variety and sugar basis	Maximum price per pound, cents
Raspberries, red:	
4+1	19½
5+1	20½
Straight	20½
Strawberries (Ettersburg variety):	
3+1	17½
3+1 sortouts	15½
4+1	18½
4+1 sortouts	16½
5+1	18½
Straight	19½
Strawberries (other varieties):	
3+1	16½
3+1 sortouts	14½
4+1	16½
4+1 sortouts	14½
5+1	17½
Straight	17½
Youngberries:	
Straight	17½

(2) *In barrels having a capacity of less than 50 gallons.* The maximum prices per pound, f. o. b. shipping point, which a packer may charge for the fruits, berries and vegetables listed in subparagraph (1), above, packed and frozen, after the 1942 pack, in barrels having a capacity of less than 50 gallons, shall be prices authorized by the Office of Price Administration, Washington, D. C. The packer shall apply for a maximum price in each case in accordance with the provisions of section 8.

(3) *Reduction of maximum prices for sales on a "no storage" basis.* When a packer sells an item covered by subparagraphs (1) or (2), above, on a "no storage" basis, that is, at a price which includes only the first month's storage, his maximum price shall be reduced by ¼¢ per pound. Such reduction shall be shown on the packer's invoice as an allowance to the purchaser on the selling price, except in sales to United States agencies.

(b) *Maximum prices for barreled products not listed in paragraph (a).* Barreled products which are not listed in paragraph (a), above, shall be priced as if they were under section 3.

[Sec. 2 amended by Am. 1, 8 F.R. 9298, effective 7-5-43; Am. 2, 8 F.R. 11034, effective 8-6-43; Am. 3, 8 F.R. 11080, effective 8-7-43; Am. 4, 8 F.R. 11952, effective 8-28-43; Am. 5, 8 F.R. 16204, effective 12-4-43; and Am. 8, effective 12-29-43]

SEC. 3. *Maximum prices which packers may charge for frozen fruits, berries and vegetables packed and frozen in containers other than barrels—(a) General pricing method.* The packer shall figure a maximum price per dozen or other unit, f. o. b. shipping point, for each separate kind, grade, style of pack, container, type and size of frozen fruits, berries, and vegetables, packed and frozen after the 1942 pack, in containers other than barrels. The maximum price for such an item, including all storage, shall be figured by adding together his "base price"

and his "permitted increase for miscellaneous costs."

[Paragraph (a) as amended by Am. 2, 8 F.R. 11034, effective 8-6-43]

(b) *Base price.* The packer's base price in each case shall be his maximum price, f. o. b. factory, for the item under Maximum Price Regulation No. 207, after it has been adjusted for raw material costs. However, no maximum price authorized under § 1341.202 (d) for the 1943 pack of any item may be used. (If the packer sold or delivered none of the 1942 pack of the item between August 24, 1942, and June 16, 1943, his base price shall be the maximum price, adjusted for raw material costs, which he would have figured for the 1942 pack of the item if Maximum Price Regulation No. 207 had been effective January 1, 1942.) Adjustments for raw material costs shall be made as follows:

(1) *Adjustment for commodities included in the Commodity Credit Corporation's raw materials program.* In the case of commodities included in the Commodity Credit Corporation's raw materials program the packer shall adjust for raw material costs in each case, as follows: First, he shall determine the weighted average cost for raw materials used in the 1942 pack of the product which he figured under § 1341.202 (b) (2) of Maximum Price Regulation No. 207. If this figure is less than the price at which the Commodity Credit Corporation will resell the raw product to packers in that area, after these figures have been converted to cents per dozen or other unit of the finished product, the difference between them shall be added to the maximum price for the item under Maximum Price Regulation No. 207. If this figure is greater than that resale price, after conversion to a finished product basis, the difference between them shall be subtracted from the maximum price for the item under Maximum Price Regulation No. 207. The figure resulting from this addition or subtraction is the packer's base price in sales to purchasers other than United States agencies. (In figuring base prices in sales to United States agencies, the packer shall use the Commodity Credit Corporation's purchase price for the area in which the packer received delivery of the raw materials, instead of the resale price, when making the foregoing calculations.) Commodities included in the Commodity Credit Corporation's program include:

Beans, snap
Corn
Peas

Purchase and resale prices under the Commodity Credit Corporation's raw materials program are published by the Department of Agriculture and may be obtained from its local State war boards.

[Paragraph (b) and subparagraph (1) as amended by Am. 2, 8 F.R. 11034, effective 8-6-43]

(2) *Adjustment for commodities not included in the Commodity Credit Corporation's raw materials program.* (1) In the case of the following commodities,

the packer shall adjust for raw material costs in each case by adding to his maximum price for the item under Maximum Price Regulation No. 207 the appropriate figure named in the following table (after conversion to cents per unit of the finished product).

Variety:	Cents per pound (raw weight)
Asparagus:	
California, Oregon and Washington	1½
Other states	1

(ii) In the case of the following commodities, the packer shall adjust for raw materials in each case by subtracting the weighted average cost for raw materials used in the 1942 pack of the product which he figured under § 1341.202 (b) (2) of Maximum Price Regulation No. 207 from the appropriate figure named in the following table (after conversion to cents per unit of the finished product) and adding the difference so obtained to his maximum price for the item under Maximum Price Regulation No. 207.

Variety:	Cents per pound (raw weight)
Cherries	8½
Blackberries	12
Blueberries (wild):	
Maine, New Hampshire, Vermont, and Massachusetts only	12
(For other blueberry prices, see table in (iii) below).	
Boysenberries	12
Gooseberries	8
Loganberries	12
Raspberries, Black	13
Raspberries, Red	15
Strawberries (Ettersburg variety)	14
Strawberries (Other varieties)	12
Youngberries	12

	Dollars per ton (raw weight)
Peaches, clingstone	60
Peaches, freestone:	
Oregon and Washington	60
California	50
(For other peach prices, see table in (iii) below).	

Pears:	
Oregon and Washington	75
California	65
(For other pear prices, see table in (iii) below).	

Grapes, Concord ("Concord grapes" means strains of Concord type grapes of the purple slipskin varieties, including but not limited to Concord, Cottage, Eaton, Hartford, Hicks, Rockwood, Ives and Worden):

New York	85
Pennsylvania	85
Ohio	85
Michigan	75
Washington	45

Plums:	
Oregon, Washington, California, Idaho and Utah	55

(No adjustment for raw material costs may be made for plums grown in states other than Oregon, Washington, California, Idaho, and Utah.)

Prunes, fresh	40
Figs, Kadota	125

(For other fig prices, see table in (iii) below)

Nectarines	50
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Lima beans (except Ford hook lima beans). The applicable area support price of War Food Administration.

Beets. The applicable area support price of War Food Administration.

Carrots. The applicable area support price of War Food Administration.

The specified figures in the right-hand column above include delivery to the packer's customary receiving point.

[Subparagraph (ii) amended by Am. 7, 8 F.R. 16625, effective 12-14-43 and Am. 8, effective 12-29-43]

(iii) In the case of the following commodities, the packer shall adjust for raw material costs in each case by subtracting the weighted average cost for raw materials used in the 1942 pack of the product which he figured under § 1341.202 (b) (2) of Maximum Price Regulation No. 207 from the weighted average cost for raw materials used in the 1943 pack of the product, based on not less than the first 75 per cent of his 1943 purchases, and adding the difference so obtained (after conversion to cents per unit of the finished product) to his maximum price for the item under Maximum Price Regulation No. 207. However, the packer may not add an amount greater than the figure listed below (after the listed figure has been converted to a finished product basis).

Variety:	Cents per pound (raw weight)
Blueberries (cultivated)	3
Blueberries (wild):	
States other than Maine, New Hampshire, Vermont and Massachusetts	3
Cranberries	3
Currants	3
Dewberries	3
Elderberries	3
Huckleberries	3
Johnsonberries	3
Olympic berries	3
Spinach	1

	Dollars per ton (raw weight)
Apricots	31
Peaches, freestone:	
States other than Oregon, Washington and California	10
Pears:	
States other than Oregon, Washington and California	8
Figs (except Kadota)	15

[Subparagraph (iii) as amended by Am. 8, effective 12-29-43]

(iv) In the case of the following commodities, the packer shall adjust for raw material costs in each case by adding to his maximum price for the item under Maximum Price Regulation No. 207 twenty per cent of the weighted average cost for raw materials used in the 1942 pack of the product which he figured under § 1341.202 (b) (2) of that regulation.

Rhubarb.
Melons.
Ford hook lima beans.
Broccoli.
Brussels sprouts.
Cauliflower.
Squash.
Pumpkin.
Kale.
Vegetable greens (except spinach)

(v) In the case of apples, the packer shall adjust for raw material costs by subtracting the weighted average cost for raw materials used in the 1942 pack of the product which he figured under § 1341.202 (b) (2) of Maximum Price Regulation No. 207 from the weighted average cost for raw materials used in the 1943 pack of the product, based on not less than the first 75 per cent of his 1943 purchases, and adding the difference so obtained (after conversion to cents per unit of the finished product) to his maximum price for the item under Maximum Price Regulation No. 207. However, for the purpose of making the adjustment, in computing his weighted average cost for raw materials used in the 1943 pack of the product the packer shall exclude from the computation any amounts paid for fresh apples in excess of \$3.10 per one hundred pounds raw weight delivered to the packer's customary receiving point.

(vi) In the case of an item of mixed fruits or mixed vegetables, the packer shall adjust for raw material costs in each case by applying to his maximum price for the item under Maximum Price Regulation No. 207 the appropriate adjustment for raw material costs provided above for each fruit or vegetable in the mixture, figured separately for the amount of each variety used in the item.

(vii) Any packer who has two seasonal packs of the commodity during the calendar year may figure maximum prices as if each pack were a separate commodity.

[Subparagraph (2) amended by Am. 1, 8 F.R. 9298, effective 7-5-43; Am. 2, 8 F.R. 11034, effective 8-6-43; Am. 3, 8 F.R. 11080, effective 8-7-43; Am. 4, 8 F.R. 11952, effective 8-28-43; and Am. 5, 8 F.R. 16204, effective 12-4-43]

(3) Commodities for which no figure is named continue to be subject to Maximum Price Regulation No. 207.

[Former subparagraph (3) added by Am. 3, 8 F.R. 11080, effective 8-7-43 and revoked by Am. 5, 8 F.R. 16204, effective 12-4-43. Former (4), (previously part of (b) (2) designated (4) by Am. 3) redesignated (3) by Am. 5]

(c) Permitted increase for miscellaneous costs. The packer's permitted increase for miscellaneous costs shall be figured by adding the following factors:

(1) Increase for labor. A packer whose factory is located in any of the areas listed in the following table shall figure an increase for labor (i) if he has incurred a wage rate increase approved by the War Labor Board; (ii) if the wage rate increase became effective after January 1, 1943; and (iii), if 50% or more of the packer's production of the variety being priced was made after the effective date of the wage rate increase. This increase shall apply to sales of the varieties listed below, except sales of corn, peas, snap beans, peaches and pears to other than government procurement agencies. The increase shall be figured by multiplying the packer's base price under paragraph (b), above, by the figure indicated for the variety and area.

(Percentages are to be applied to "base prices" under section 3 (b))

	Areas			
	1	2	3	4
VEGETABLES				
Asparagus.....	3.5	5.0	3.5	3.0
Corn.....	4.5	4.5	4.0	4.0
Peas.....	3.0	4.5	3.0	3.0
Lima beans.....	3.0	4.5	4.5	3.5
Snap beans.....	4.0	4.5	4.0	4.0
Spinach.....	4.5	5.5	4.5	5.0
Other vegetables.....	6.0	6.0	6.0	6.0
FRUITS				
Apples.....	2.5	2.5	2.5	2.5
Peaches.....	5.0	5.0	5.0	3.0
Cherries.....	3.0	2.0	2.0	3.0
Apricots.....	3.0	3.0	3.0	3.5
Grapes.....	3.0	3.0	3.0	3.0
Other fruits.....	2.0	2.0	2.0	2.0
BERRIES				
Strawberries.....	4.5	4.5	4.0	2.0
Raspberries, red.....	1.5	2.0	1.5	1.5
Raspberries, black.....	2.0	3.0	2.0	2.0
Blackberries.....	2.5	2.5	2.5	1.5
Other berries.....	2.0	2.0	2.0	2.0

States included:

Area 1: New York, New Jersey and Pennsylvania.

Area 2: Delaware and Maryland.

Area 3: Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa and Nebraska.

Area 4: Colorado, Utah, Washington, Oregon, California and Idaho.

(2) *Increase for additional storage of cold-packed commodities.* For cold-packed commodities, an additional one-quarter cent may be added for each pound of the finished product in a unit of the size being priced.

[Paragraph (c) amended by Am. 2, 8 F.R. 11034, effective 8-6-43 and Am. 6, 8 F.R. 16207, effective 12-4-43]

(d) *Meaning of "packer."* "Packer" means a person who packs and freezes any part of the kind of frozen fruit, berries and vegetables being priced.

(e) *Meaning of "style of pack."* "Style of pack" means the form and sugar basis of the pack.

Examples: Frozen sliced strawberries are a different style of pack from frozen whole berries. Frozen whole strawberries on a sugar basis of 3+1 are likewise a different style from frozen whole strawberries on a sugar basis of 4+1.

(f) *Meaning of "container type."* "Container type" refers to the composition or style of the container used (a separate price must be figured for each container type).

Examples: Tin, glass and paper containers are all different container types. Likewise, a paper container of one design is a different container type from a paper container of a substantially different design.

(g) *Weights.* Where label weights are used, prices figured by weight shall be based on the weights named on the label and not on actual fill.

(h) *Allocation of costs.* In converting the cost of raw materials, labor, and any other cost factor into cost per dozen or other unit for any kind, grade, style of pack, and container size, the cost shall be allocated in the same proportion as the same cost was allocated to that kind, grade, style of pack, and container size in 1942.

(i) *Adjustment for raw materials in special situations.* Instead of making the adjustment for raw materials ordinarily required by paragraph (b) of this section, a cooperative packer, a packer-grower, or a packer whose maximum price under Maximum Price Regulation No. 207 was obtained from a competitor, shall make the adjustment which his most closely competitive non-cooperative packer is required to make for the item. Normally, the "most closely competitive non-cooperative packer" will be the same competitive packer from whom the packer got his permitted increase for raw materials under § 1341.202 (b) (2) (iii) of Maximum Price Regulation No. 207 or from whom he got his maximum price under that regulation.

(j) *Items sold on a "no-storage" basis.* When a packer sells an item of frozen fruits, berries or vegetables on a "no-storage" basis, that is, at a price which includes only the first month's storage, his maximum price under paragraph (a) shall be reduced by $\frac{3}{4}\%$ per pound of the finished product in the case of quick-frozen items and $\frac{1}{4}\%$ per pound in the case of cold-packed items. Such reduction shall be shown on the packer's invoice as an allowance to the purchaser on the selling price, except in sales to United States agencies.

[Paragraph (j) amended by Am. 2, 8 F.R. 11034, effective 8-6-43; Am. 3, 8 F.R. 11080, effective 8-7-43; and Am. 4, 8 F.R. 11952, effective 8-28-43]

(k) *Delivered prices.* Any packer who regularly sold a purchaser an item covered by this section on a delivered price basis during the calendar year 1942 shall increase the maximum price for the item, figured f. o. b. shipping point under this section, by the amount of the transportation charge per unit for that item which he added to his f. o. b. shipping point price during the period February 1 to March 17, 1942. The resulting price shall be the packer's maximum delivered price for that purchaser.

A packer whose maximum price for an item is on an f. o. b. shipping point basis may establish a uniform maximum delivered price for the item, by zone or area, by adding to his f. o. b. shipping point price his weighted average transportation charge from shipping point to purchasers' receiving points. For any zone or area, this "weighted average transportation charge" shall be figured by him as follows: he shall (1) determine the total estimated transportation charges which would have been incurred if the shipments of the item which he made during the one-year period ending May 31, 1943, to purchasers in that zone or area, had been at rates in effect on June 16, 1943, and (2) divide that figure by the total number of pounds or other units of the item included in those shipments. (Where more than one means of transportation is used, averages may be taken separately for each.) The processor shall refigure his weighted average transportation charge at the end of each six months' period on the basis of shipments made during the one-year period immediately preceding the date of calculation and at rates in effect on that date.

(l) *New container types and sizes.* The maximum price per dozen or other unit for an item covered by this section packed in any container type or size which the packer did not sell between January 1, 1942, and June 16, 1943, shall be figured as follows. He shall:

(1) *Determine the base container.* If the packer sold the same product (that is, the same kind, grade and style of pack) between January 1, 1942 and June 16, 1943, but only in other container types or sizes, he shall first determine the most similar container type in which he is able to calculate a maximum price for that product under this regulation (even though he no longer sells that container type). From that container type he shall choose the nearest size which is 50% or less larger than the new size, or if there is no such size, 50% or less smaller (even though he no longer sells those sizes). This will be the "base container". If there is no such smaller size, he shall go to the next most similar container type and proceed in the same manner to find the base container.

NOTE.—In most cases "the most similar container type" will be merely the container type which the processor is adding to or replacing, like the tin which he may be replacing with paper. Where there has been only a size change, "the most similar container type" will, of course, be the same container type. This is also true in the reverse situation; where there has been a change only in container type, the "nearest size" will be the same size.

(2) *Find the base price.* The packer shall take as the "base price" his maximum price under this regulation for the product when packed in the base container. However, if this maximum price is a price delivered to the purchaser or to any point other than the packer's shipping point, the packer shall first convert it to a base price f. o. b. shipping point by deducting whatever transportation charges were included in it.

(3) *Deduct the container cost.* Taking his base price f. o. b. shipping point, the packer shall then subtract the direct cost of the base container. "Direct cost of the container" means the net cost, at the packer's plant, of the container, cap, label and proportionate part of the outgoing shipping carton but it does not include costs of filling, closing, labeling or packing.

(4) *Adjust for any difference in contents.* The figure obtained by this deduction shall then be adjusted, in the case of a size change, by dividing it by the number of ounces or other units in the base container and multiplying the result by the number of the same units in the new container.

(5) *Add the new container cost to get the price f. o. b. shipping point.* Next, the packer shall add to the adjusted figure the "direct cost of the container" in the new type and size. If his maximum price for the commodity in the base container is an f. o. b. shipping point price, the resulting figure is the packer's maximum price, f. o. b. shipping point.

(6) *Convert to a maximum delivered price, if the maximum price for the base container is on a delivered basis.* If the packer's maximum price for the product in the base container is a delivered price,

he shall figure transportation charges to be added, as follows: The packer shall take the transportation charges which he first deducted to get his base price and adjust them in exact proportion to the difference in shipping weight. If for any reason the product in the new container will move under a different freight tariff classification, the packer shall figure his transportation charges (by the same means of transportation and to the same destination) on the basis of the new shipping weight, but at the rate in effect for that freight tariff classification on March 17, 1942. Increases in tariff rates or transportation taxes made since March 17, 1942, shall not be taken into account. (Similar principles shall apply where shipping volume is the measure of the transportation charge.) The packer shall then add these transportation charges to his f. o. b. shipping point price for the commodity in the new container. The resulting figure is the packer's maximum delivered price.

(m) *Elective pricing method.* If the packer's maximum price for an item covered by this section cannot be determined under the applicable pricing method, the packer may, at his election, figure his maximum price under the pricing method of this paragraph. He may use this pricing method only for an item for which all of the fruits, berries and vegetables actually used are either subject to maximum price regulations, or are covered by announced prices recommended by the Department of Agriculture for payment to growers (for example, 12 cents per pound for strawberries), or are covered by the Commodity Credit Corporation's purchase and resale program. Under this paragraph, his maximum price shall be:

(1) His total "direct cost" per dozen or other unit of the item, figured by adding:

(i) The total cost per unit of all ingredients and packaging materials subject to maximum prices established by the Office of Price Administration, figured at the current maximum prices applying to the class of purchasers to which he belongs, plus

(ii) The total cost per unit of all fresh fruit, berries or vegetables, not subject to maximum prices, for which the Department of Agriculture has announced prices recommended for payment to growers, figured at those announced prices, plus

(iii) The total cost per unit of all fresh fruit, berries or vegetables (not subject to maximum prices nor covered by announced prices recommended by the Department of Agriculture for payment to growers) which are included in the Commodity Credit Corporation's purchase and resale program, figured in the case of sales to United States agencies at the Commodity Credit Corporation's purchase prices for the area in which the packer received delivery of the raw materials, and figured in the case of other sales at the Commodity Credit Corporation's resale prices for the area in which the packer is located, plus

(iv) The total cost per unit of every other ingredient (other than fresh fruit, berries and vegetables) and every pack-

aging material for which no maximum price has been prescribed by the Office of Price Administration, figured at the current market price of the ingredient or packaging material in question, plus

(v) The direct labor cost per unit figured at the October 3, 1942, wage rates, adjusted to reflect any wage rate increases, incurred by the packer and approved by the War Labor Board, which became effective after January 1, 1943 but prior to completion of at least 50% of the packer's production of the item, plus

[Subparagraph (v) as amended by Am. 6, 8 F.R. 16207, effective 12-4-43]

(vi) Transportation charges per unit by the usual mode of transportation, if the cost factors used in subdivisions (i), (ii), (iii), and (iv) above are not delivered costs and if these charges are customarily incurred from his customary supply point to his customary receiving point.

(2) Multiplied by a markup percentage, figured by dividing

(i) The maximum price established under the maximum price regulation in effect at the time of the calculation for the most closely comparable commodity produced by him with a cost structure similar to that of the item being priced, by

(ii) His current cost of ingredients, packaging materials and direct labor of that commodity.

As used in this paragraph, "most closely comparable commodity" means a food commodity which is most nearly similar and whose "direct cost" is closest to and in no event less than two-thirds of the "direct cost" of the item being priced, whose maximum price does not exceed 150% of its "direct cost", and for which the methods employed in its sale and merchandising are similar to those which will be used in the sale and merchandising of the item being priced.

As used in this paragraph, "current" means at the time of figuring the price.

(3) The maximum price determined under the provisions of this paragraph shall be subject to discounts, transportation allowances or other allowances and price differentials no less favorable than those given with respect to the comparable food commodity used in the calculation of the maximum price under this paragraph.

(4) In deciding whether items of labor cost are to be considered as direct labor in figuring the price or are to be treated as overhead, the packer shall follow his customary practice. Thus, if a packer treated cleaning labor as an item of overhead in March 1942, he must continue to treat it in this way when figuring the maximum price.

(5) The packer shall employ no cost factors in addition to those which he used with respect to the comparable commodity by which he determined his percentage markup under subparagraph (2) and shall make no changes in the method of application of those factors which would result in a higher price.

(6) A packer who before December 4, 1943, had established a maximum price for an item by figuring it under the rules theretofore provided by this paragraph

shall refigure his maximum price using the rules of this pricing method.

(7) The packer shall report any maximum price figured or refigured under this paragraph in accordance with section 18. The maximum price so reported shall be subject to adjustment at any time by the Price Administrator.

[Paragraph (m) amended by Am. 5, 8 F.R. 16204, effective 12-4-43 and as otherwise noted]

(n) *Uniform prices where the packer has more than one factory.* Any packer who packs an item at more than one factory and whose maximum prices for the items vary by factory may establish a uniform maximum price for the item for any group of factories by figuring a weighted average of their separate maximum prices. For any two or more factories selected by the packer, this weighted average maximum price shall be figured by him as follows: He shall (1) determine the total estimated receipts which would have been obtained if his production of the 1942 pack of the item at those factories had been sold at the separate maximum prices which are in effect (under this regulation) on the date of calculation, and (2) divide that figure by the total number of pounds or other units of the item included in that production.

[Paragraph (n) added by Am. 4, 8 F.R. 11952, effective 8-28-43]

(o) *Restrictions on packers' sales to primary distributors.* For sales of the 1943 pack of any item, made after December 3, 1943, no packer may sell to primary distributors a greater percentage than he sold to primary distributors during the one-year period ending April 28, 1942.

[Paragraph (o) added by Am. 5, 8 F.R. 16204, effective 12-4-43]

[NOTE: Revised Supplementary Order No. 34 (8 F.R. 12404) permits special packing expenses to be added to maximum prices on sales to procurement agencies of the United States.]

SEC. 4. Maximum prices for distributors other than wholesalers and retailers—(a) Primary distributors. A "primary distributor" is a distributor, other than a wholesaler, wagon wholesaler or retailer, who purchases all he sells (for his own account) of the kind of frozen fruits, berries or vegetables being priced and who customarily receives shipment from the packer of at least 50% of his purchases in carload lots delivered to a warehouse or other receiving station not owned or controlled by any of his customers, for resale by him in less-than-carload lots.

There are two pricing methods for primary distributors.

Pricing Method No. 1. A primary distributor may use the following pricing method only if he sold the kind of frozen fruits, berries or vegetables being priced, as a primary distributor, before April 28, 1942, and he may use this pricing method only when he is selling, in less-than-carload lots, merchandise which he has actually warehoused. In normal situations the pricing method will give him

the same dollars and cents margin that he previously had.

If the packer's maximum price for the item under this regulation is greater than the packer's maximum price under Maximum Price Regulation No. 207, the primary distributor shall add the difference to the maximum price which he had under Maximum Price Regulation No. 255. If the packer's maximum price for it under this regulation is less than the packer's maximum price under Maximum Price Regulation No. 207, the primary distributor shall subtract the difference from the maximum price which he had under Maximum Price Regulation No. 255. The resulting figure in each case is the primary distributor's maximum price for the item when purchased from the packer, warehoused by him and sold in less-than-carload lots.

Examples. The packer's ceiling price under MPR 207 for frozen blackberries was 14 cents per pound, packed and frozen in barrels. Under MPR 409 it is now 17½ cents. The primary distributor therefore adds the increase of 3½ cents to his own ceiling price (under MPR 255).

The primary distributor handled frozen blackberries as a primary distributor before April 28, 1942. He added frozen cherries to his line in October 1942. Although he can use Pricing Method No. 1 for frozen blackberries he must use Pricing Method No. 2 for frozen cherries.

If the primary distributor handled the kind of frozen fruits, berries or vegetables being priced before April 28, 1942, but did not handle the particular grade, style of pack, container size or type being priced before December 4, 1943, his maximum price for the new item shall be his net delivered cost (based on his first purchase of the item after December 3, 1943, direct from the packer) multiplied by a markup factor. This markup factor shall be secured by dividing his ceiling price (as figured according to this paragraph (a)) for the most closely comparable item of that kind of frozen fruits, berries or vegetables already handled by him by the net delivered cost to him of that item. He may apply this markup factor only when he is selling, in less-than-carload lots, merchandise which he has actually warehoused.

Pricing Method No. 2. For all items, and for sales of such items, which are not covered by Pricing Method No. 1, the primary distributor's maximum price, f. o. b. shipping point, shall be the maximum price of his supplier, f. o. b. shipping point, plus incoming freight paid by him.

[Paragraph (a) as amended by Am. 5, 8 F.R. 16204, effective 12-4-43]

(b) **Wagon wholesalers.** A "wagon wholesaler" is one who purchases the item being priced and distributes it to retailers or to commercial, industrial or institutional users from an inventory stocked in trucks or other conveyances which are under the supervision of driver salesmen who make delivery at the time and place of sale. Such wholesaler is a wagon wholesaler only for sales made in this manner.

The maximum price per dozen or other unit which a wagon wholesaler

may charge for an item of frozen fruits, berries or vegetables shall be his net delivered cost plus a markup of 29 per cent. He shall figure his maximum price on the basis of the most recent purchase of that item, and shall refigure it after each new purchase. The maximum price so figured is the wagon wholesaler's maximum price for his entire inventory of that item, and it is effective until his first sale after he receives the next lot.

"Net delivered cost" means the amount he pays for the item delivered to his customary receiving point (but not in excess of the packer's maximum price for it, f. o. b. shipping point, plus actual charges for transportation to the wagon wholesaler's customary receiving point), less all discounts allowed him except the discount for prompt payment. No expense of local trucking or unloading shall be included.

[Paragraph (b) as amended by Am. 7, 8 F.R. 16625, effective 12-14-43]

(c) **Distributors who are not primary distributors, wagon wholesalers, wholesalers or retailers.** The maximum price for an item, f. o. b. shipping point, of a distributor who is not a primary distributor, wagon wholesaler, wholesaler or retailer shall be the maximum price of his supplier, f. o. b. shipping point, plus incoming freight paid by him.

A "distributor" is one who purchases all he sells (for his own account) of the kind of frozen fruits, berries and vegetables being priced and resells it without packing and freezing any part of it.

[Paragraph (c) as amended by Am. 5, 8 F.R. 16204, effective 12-4-43]

SEC. 4a. Notification of change in maximum price. With the first delivery after December 3, 1943, of an item of frozen fruits, berries or vegetables, in any case where a seller determines his maximum price pursuant to section 2, section 3 (other than under paragraphs (l) and (m)) or section 4 and such maximum price is different from the maximum price he previously had for the same item of the 1943 pack, he shall:

(a) Supply each wholesaler and retailer who purchases from him with written notice as set forth below:

(insert date)

NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for (describe item by kind, grade, style of pack, container type and size) has been changed by the Office of Price Administration. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulation No. 421, 422 or 423, you must refigure your ceiling price for this item on the first delivery of it to you from your customary type of supplier containing this notification on or after December 4, 1943. You must refigure your ceiling price following the rules in section 6 of Maximum Price Regulation No. 421, 422 or 423, whichever is applicable to you.

For a period of 60 days after making such change in the maximum price of an item, and with the first shipment after the 60-day period to each person who has not made a purchase within that time, the packer shall supply with each

barrel and include in each case or carton containing the item the written notice set forth above, or securely attach it to the barrel, case or carton. However, for sales direct to any retailer, the packer may supply the notice by attaching it to or writing it on the invoice covering the shipment instead of providing it with each barrel, case or carton.

(b) Notify each purchaser of the item from him who is a distributor other than a wholesaler and retailer of such change in maximum price by written notice attached to or written on the invoice issued in connection with his first transaction with such purchaser after December 3, 1943, as follows:

(insert date)

NOTICE TO DISTRIBUTORS OTHER THAN WHOLESALERS AND RETAILERS

Our OPA ceiling price for (describe item by kind, grade, style of pack, container type and size) has been changed from \$..... to \$..... under the provisions of Maximum Price Regulation No. 409. You are required to notify all wholesalers and retailers for whom you are the customary type of supplier, purchasing the item from you after December 3, 1943, of any allowance change in your maximum price. This notice must be made in the manner prescribed in section 4a (a) of Maximum Price Regulation No. 409.

[Sec. 4a added by Am. 5, 8 F.R. 16204, effective 12-4-43]

ARTICLE III—GENERAL PROVISIONS

SEC. 5. Relationship between this regulation and Maximum Price Regulation No. 207 and the General Maximum Price Regulation. (a) This regulation supersedes Maximum Price Regulation No. 207 so far as that regulation has applied to frozen fruits, berries and vegetables packed after the 1942 pack. However, Maximum Price Regulation No. 207 applies to frozen products, packed after the 1942 pack, for which maximum prices or permitted increases are not yet provided.

The following sections of the General Maximum Price Regulation, as well as amendments to them, apply to sales covered by this regulation:

- (1) Federal and state taxes (§ 1499.7).
- (2) Sales slips and receipts (§ 1499.14).
- (3) Definitions (§ 1499.20).

[Former subparagraph (1) revoked, and former (2), (3) and (4) redesignated (1), (2), and (3) by Am. 8, effective 12-29-43]

SEC. 6. Geographical applicability. This regulation applies only to the forty-eight states of the United States and to the District of Columbia.

SEC. 7. Export and import sales. The maximum prices at which a person may export any product covered by this regulation shall be determined in accordance with the Second Revised Maximum Export Price Regulation, and amendments. Sales of fruits, berries and vegetables which have been packed and frozen outside of the geographical area to which this regulation applies are not covered by this regulation except in cases where the goods being priced are located within the area at the time of sale.

* 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4948, 6047, 6962, 8511, 9025, 9991, 11955.

* 8 F.R. 4132, 5987, 7662, 9998, 15193.

SEC. 8. Inability to fix maximum prices. If the packer's maximum price for any item cannot be determined under the provisions of the applicable pricing section, and he cannot or elects not to price under section 3 (m), he shall apply to the Office of Price Administration, Washington, D. C., for a maximum price. His application shall set forth (a) a description in detail of the item for which a maximum price is sought, including its grade and the brand name, if any, the number of packages in each shipping case, and a statement of the facts which make it different from the most similar item for which he has determined a maximum price, identifying the similar item and stating its maximum price; (b) an itemized current cost breakdown of the item to be priced, showing separately, according to his own system of accounts or regularly prepared operating statements, all major component cost factors (e. g., direct costs—raw materials, packaging materials and direct labor; indirect costs, such as indirect labor, factory overhead and selling, advertising and administrative cost, together with an explanation showing the method of allocation of the indirect cost factors; and freight if sold on a delivered basis) indicating whether each cost item is an actual or an estimated cost, and the identical current cost breakdown of the most closely comparable food commodity which contributes substantially to his total volume of business; (c) the desired selling price for the item, including a statement showing the necessity for the desired selling price, any discounts and allowances which should be made applicable to the desired price, and (for comparison) the maximum selling price, with discounts and allowances, for the second commodity included in paragraph (b) of this section; and (d) the method of distribution to be employed by the packer in marketing the new commodity (i. e., whether it is to be sold to wholesalers, retailers, consumers, or other classes of purchasers). Upon receipt of such application the Office of Price Administration will authorize the maximum price or a method of determining the maximum price for the applicant or for the sellers of the item generally including purchasers for resale or for a class of such resellers.

Until a maximum price is authorized, the applicant may deliver the item but may not render an invoice or receive payment for it.

Where any cost factor set forth in the application is an estimated amount, the packer shall file with the Office of Price Administration, Washington, D. C., within six months but no earlier than three months after his maximum price has been authorized, a statement showing the actual cost of that factor in his production of the item prior to the filing date of such statement.

[Sec. 8 as amended by Am. 5, 8 F.R. 16204, effective 12-4-43]

Sec. 9. Adjustable pricing. Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by

the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration having authority to act upon the pending request for a change in price or to give the authorization. The authorization will be given by order.

[Sec. 9 as amended by Am. 5, 8 F.R. 16204, effective 12-4-43]

Sec. 10. Customary discounts and allowances. No person shall change any customary allowance, discount or other price differential to a purchaser or class of purchasers if the change results in a higher net price to that purchaser or class.

Sec. 11. Storage. Storage on goods owned by the packer may not be added to maximum prices. Packers and primary distributors shall show on the invoice in each case whether the item sold is on a "storage" or "no-storage" basis.

Sec. 12. Units of sale and fractions of a cent. Maximum prices shall be stated in terms of the same general units (like pounds, dozens, etc.) in which the packer has customarily quoted prices for the product. If any figured maximum price includes a fraction of a cent, the packer shall adjust the price to the nearest fractional unit (like 1¢, ½¢, ¼¢, etc.) in which he has customarily quoted prices for the product.

Sec. 13. Position of brokers. In accordance with existing trade custom, every broker taking part in a sale in which the seller is a packer shall be considered as the agent of the seller and not the agent of the buyer. In each case, the amount paid by the buyer to the broker plus the amount paid by the buyer to the seller shall not exceed the seller's maximum price plus allowable transportation actually paid by the seller or by the broker.

Sec. 14. When a maximum price figured under section 3 is established. On and after June 16, 1943, a price figured for any item under section 3 becomes "established" (that is, fixed) as the packer's maximum price as soon as he has either filed the price or disclosed it to any prospective customer, whether by sale, delivery, offer, or notice of any kind, provided that the figured price is not higher than the applicable pricing method allows. A maximum price for an item may be established only once, and having been established it may not be changed by the seller except (a) with the written permission of the district or state office of the Office of Price Administration for the area in which he is located in cases where the packer has figured his maximum price lower than the applicable pricing method allows, or (b) in cases where a change in the regulation changes

the packer's applicable pricing method, or (c) in cases where the packer is refiguring uniform maximum delivered prices as required by section 3 (k), or (d) in cases where a packer is establishing a uniform maximum price for an item packed by him in more than one factory, as permitted by section 3 (n).

[Above text as amended by Am. 5, 8 F.R. 16204, effective 12-4-43]

If the packer is disclosing a price lower than the one he figured under section 3, he may establish the higher, figured price as his maximum price at the time of disclosure only by recording it and naming it as such, in ink on his books, before he discloses the lower price. A packer who has not figured a price for an item, or has figured a price higher than the applicable pricing method allows, may not sell the item until he has established a maximum price for the item in accordance with the rules of this section.

Sec. 15. Compliance with the regulation—(a) No selling or buying above maximum prices. Regardless of any contract or obligation, no person shall sell or deliver, or buy or receive in the course of trade, any item of frozen fruits, berries or vegetables, on and after June 16, 1943, at a price higher than the maximum price established for it by this regulation.

[NOTE: Supplementary Order No. 7 (7 F.R. 5176) provides that war procurement agencies and government, whose defense is vital to the defense of the United States shall be relieved of liability, civil or criminal, imposed by price regulations issued by the Office of Price Administration.]

[NOTE: Supplementary Order No. 31 (7 F.R. 9894) provides that: "Notwithstanding the provisions of any price regulation, the tax on transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated, under any provision of any price regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price."]

(b) *Evasion.* Nor shall any person evade a maximum price, directly or indirectly, whether by commission, service, transportation, or other charge or discount, premium or other privilege; by tying-agreement or other trade understanding; by any change of style of pack; by a business practice relating to grading, labeling, or packaging; or in any other way. However, prices lower than the maximum price may be charged and paid.

(c) *Enforcement.* Any person violating a provision of this regulation is subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by the Emergency Price Control Act of 1942, and amendments.

Sec. 15a. Licensing. The provisions of Licensing Order No. 1,⁷ licensing all persons who make sales under price control, are applicable to all sellers subject

⁷ 8 F.R. 13240.

to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[Sec. 15a added by Supplementary Order No. 72, 8 F.R. 13244, effective 10-1-43]

SEC. 16. General amendments. Any person seeking a general modification of this regulation may file a petition for amendment in accordance with Revised Procedural Regulation No. 1,^{*} and amendments, issued by the Office of Price Administration.

[NOTE: Procedural Regulation No. 6 (7 F.R. 5087, 5665; 8 F.R. 6173, 6174) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Revised Supplementary Order No. 9 (8 F.R. 6175) makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, excepting those which expressly prohibit such applications and certain specific regulations listed in Revised Supplementary Order No. 9.]

[NOTE: Supplementary Order No. 28 (7 F.R. 9619) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

SEC. 17. Transfers of business or stock in trade. If the business, assets, or stock in trade of a seller subject to this regulation are sold or otherwise transferred on and after April 28, 1942 and the transferee carries on the business, or continues to deal in frozen fruits, berries or vegetables in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of section 19.

[Sec. 17 added by Am. 8, effective 12-29-43]

SEC. 18. Reports which packers must file. (a) Every packer shall file with the district office of the Office of Price Administration for the area in which he is located a statement showing:

(1) The maximum prices which he has figured under this regulation and the items to which they are respectively applicable. Where any maximum price is figured on a delivered basis, he shall also show his price figured on an f. o. b. shipping point basis.

(2) A list of his customary allowances, discounts and other price differentials.

(3) Where the packer figures a maximum price for an item under section

3 (m), the following information in addition to that required by (1) and (2) above: (i) a statement that the maximum price reported was determined in accordance with section 3 (m); and a true copy of the calculations showing his determination of such maximum price.

(b) The statement for any item required by paragraph (a) shall be filed on or before December 27, 1943, or within twenty days after the maximum price has been established in the manner explained in section 14.

[Sec. 18 added by Am. 2, 8 F.R. 11034, effective 8-6-43, and amended by Am. 5, 8 F.R. 16204, effective 12-4-43]

SEC. 19. Records which packers must keep. (a) Every packer shall keep a copy of the report which he must file under section 18 in order that it may be examined by any person during ordinary business hours. Any packer who claims that he would be substantially injured by showing this statement to another person may file it with the district or state office of the Office of Price Administration for the area in which he is located, with a statement explaining why he would be substantially injured. The information will not be shown to anyone unless withholding it would be contrary to the purposes of this regulation.

(b) Every packer shall keep for examination by the Office of Price Administration, as long as the Emergency Price Control Act of 1942, as amended, remains in effect, records of the same kind as he has customarily kept, relating to the prices which he charged after June 16, 1943.

[Sec. 19 added by Am. 2, 8 F.R. 11034, effective 8-6-43]

APPENDIX A. [Revoked.]

[Appendix A added by Am. 2 and revoked by Am. 6, 8 F.R. 16207, effective 12-4-43]

This regulation shall become effective June 16, 1943.

[Issued June 16, 1943]

[NOTE: Effective dates of amendments are shown in notes following the parts affected.]

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 22d day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-20348; Filed, December 22, 1943; 5:06 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,¹ Amdt. 5 to Rev. Supp. 1]

MEAT, FATS, FISH AND CHEESES

Section 1407.3027 (e) is amended by inserting (1) before the words "Brown stamps lettered"; and by adding subparagraph (2) to read as follows:

(2) "Spare" stamp numbered "1" in War Ration Book IV, is good for five

points. It may be used by consumers from December 22, 1943 to 12:01 a. m., January 2, 1944, inclusive, only to acquire pork and 100 percent pork products, and by persons other than consumers in the same way as a five-point brown stamp.

This amendment shall become effective December 22, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 22d day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-20330; Filed, December 22, 1943; 12:28 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[TMPR 34]

SWEET POTATOES

In the judgment of the Price Administrator the prices of sweet potatoes have advanced to a point and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942, as amended and Executive Orders 9250 and 9328, and it is necessary, in order to prevent further advances, to issue this Temporary Maximum Price Regulation, establishing prices at levels prevailing during the five days immediately prior to its issuance. The price for sweet potatoes established by this regulation are not below prices which will reflect to producers prices equal to the highest of the prices required by the provisions of section 3 of the act.

§ 1439.10 Maximum prices for sweet potatoes. Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended and Executive Orders Nos. 9250 and 9328, Temporary Maximum Price Regulation No. 34 (Sweet Potatoes), which is annexed hereto and made a part hereof is hereby issued.

AUTHORITY: § 1439.10 issued under 56 Stat. 23, 765, Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

TEMPORARY MAXIMUM PRICE REGULATION
No. 34—SWEET POTATOES

CONTENTS

- Sec.
1. Explanation of the regulation.
2. Definitions.
3. Maximum prices for sweet potatoes.
4. Relation of this regulation to the General Maximum Price Regulation.
5. Records and reports.
6. Compliance with the regulation.
7. Petitions for amendment.

SECTION 1. Explanation of the regulation. (a) This regulation establishes

^{*} 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

¹ 8 F.R. 16834, 16839, 16893.

² 8 F.R. 4132, 5981, 7662, 9998, 15193.

maximum prices for all sales of sweet potatoes except export sales (see Second Revised Maximum Export Price Regulation¹) and deliveries to agencies of the United States under contracts entered into prior to the effective date of this regulation.

(b) This regulation is applicable to the 48 states of the United States and the District of Columbia.

(c) This regulation shall become effective December 22, 1943 and, unless sooner revoked or superseded by a permanent regulation, shall expire at 11:59 p. m. on February 20, 1944.

SEC. 2. *Definitions.* (a) As used in this regulation the term:

(1) "Sweet potatoes" means all kinds of sweet potatoes grown in or imported into the United States and includes, for example, kiln-dried sweet potatoes, yams, Nancy Halls, Puerto Ricans, Jersey type, etc.

(2) "Item" means the particular kind, variety and grade of sweet potato being priced (regardless of whether imported or domestic).

(b) Unless the context otherwise requires, the definitions contained in the Emergency Price Control Act of 1942 and the General Maximum Price Regulation apply to other terms used in this regulation.

SEC. 3. *Maximum prices for sweet potatoes.* (a) For all sales of sweet potatoes, the maximum price to a class of purchasers in each case is the highest price charged by the seller for the item being priced to a purchaser of the same class during the period December 17, 1943 to December 21, 1943, inclusive. "Highest price charged" means the highest price which the seller charged for the item in any delivery made by him during that period to a purchaser of the same class. If the seller made no such delivery, "highest price charged" means his highest offering price for delivery of the item during that period to a purchaser of the same class.

(b) If the seller did not deliver or offer to deliver the item during that period to a purchaser of the same class, his maximum price is the highest price charged for the same item during that period by the most closely competitive seller to a purchaser of the same class.

SEC. 4. *Relation of this regulation to the General Maximum Price Regulation.* The following provisions of the General Maximum Price Regulation and amendments to them shall be applicable to every seller of sweet potatoes:

(a) *Determination of maximum prices by sellers at retail operating more than one retail establishment.* (§ 1499.4a) (However, in applying § 1499.4a of the General Maximum Price Regulation, the base period of December 17, 1943 to December 21, 1943, inclusive, shall be substituted for the period of 1942 used therein.)

(b) *Adjustment of maximum prices in cases of special deals.* (§ 1499.4)

(c) *Transfers of business or stock in trade.* (§ 1499.5)

(d) *Federal and state taxes.* (§ 1499.7) (However, in applying § 1499.7 of the

General Maximum Price Regulation the base period of December 17, 1943 to December 21, 1943 inclusive shall be substituted for the period of March 1942, used therein, and the date December 22, 1943 shall be substituted for the date March 31, 1942.)

SEC. 5. *Records and reports.* As to all sales of sweet potatoes covered by this regulation, every seller shall preserve for examination by the Office of Price Administration all his existing records relating to prices which he charged during the period December 17, 1943 to December 21, 1943 and his offering prices for delivery during that period; and shall prepare on or before January 15, 1944 on the basis of all available information and records and thereafter keep for examination by any person during ordinary business hours, a statement showing (1) the highest price for the items sold during that period and (2) all his customary allowances, discounts and other price differentials.

(b) In addition he shall keep records of the same kind as he has customarily kept relating to the prices which he charged for sweet potatoes during the period from December 22, 1943 to February 20, 1944 inclusive, together with the basis upon which he determined maximum prices.

SEC. 6. *Compliance with the regulation—(a) No buying or selling above maximum prices.* On and after December 22, 1943, regardless of any contract or other obligation, any person shall sell or deliver, and no person in the course of trade or business, shall buy or receive sweet potatoes at prices higher than the maximum prices established by this regulation, and no person shall agree, offer, solicit or attempt to do any of these things. However, prices lower than maximum prices may be charged and paid.

(b) *Evasion.* Nor shall any person evade a maximum price directly or indirectly, whether by commission, service, transportation or other charge or discount, premium or other privilege; by tying-agreement or other trade understanding; by up-grading, by any change of style of pack; by a business practice relating to grading, labeling, or packaging or in any other way.

(c) *Enforcement.* Any person violating a provision of this regulation is subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses provided by the Emergency Price Control Act, as amended.

(d) *Licensing.* The provisions of Licensing Order No. 1² licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license, one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 7. *Petitions for amendment.* Any person seeking a modification of this

regulation may file a petition therefor in accordance with the provisions of Revised Procedural Regulation No. 1³ issued by the Office of Price Administration.

This regulation shall become effective December 22, 1943.

(56 Stat. 23, 765, Pub. Law 151; 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of December 1943.

JAMES F. BROWNLEE,
Acting Administrator.

Approved: December 21, 1943.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 43-20329; Filed, December 22, 1943; 12:28 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S.O. 144-A]

PART 95—CAR SERVICE

SHIPMENTS OF SAND TO DESIGNATED TEXAS AREAS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 22nd day of December, A. D. 1943.

Upon further consideration of the provisions of Service Order No. 144 (8 F.R. 11088-89) of August 6, 1943, and good cause appearing therefor: *It is ordered, That:*

Section 95.25 Service Order No. 144 (8 F.R. 11088-89) of August 6, 1943, prohibiting the weighing of carloads of sand, gravel, or aggregates destined to Delhart, Hitt, Twist, Wagner, or Ware, Texas, be, and it is hereby, vacated and set aside.

Announcement of vacation of suspension. Each of the railroads affected by this order shall publish, post, and file a supplement to each of its tariffs affected, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the vacation of the suspension made by Service Order No. 144 and stating that the provisions in said tariffs which were in effect prior to suspension will be applied on and after the effective date of this vacation order. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12:01 a. m., December 23, 1943; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Wash-

² 8 F.R. 13244.

³ 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11006.

ington, D. C., and by filing it with the Director, Division of the Federal Register. By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 43-20355; Filed, December 23, 1943;
11:04 a. m.]

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel-Learner Regulations, September 7, 1940, (5 F.R. 3591), as amended by Administrative Order March 13, 1943, (8 F.R. 3079)

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942, (7 F.R. 4724), as amended by Administrative Order March 13, 1943, (8 F.R. 3079), and Administrative Order June 7, 1943, (8 F.R. 7890)

Artificial Flowers and Feathers Learner Regulations, October 24, 1940, (5 F.R. 4203)

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940, (5 F.R. 3748) and as further amended by Administrative Order, March 13, 1943, (8 F.R. 3079)

Hosiery Learner Regulations, September 4, 1940, (5 F.R. 3530), as amended by Administrative Order March 13, 1943, (8 F.R. 3079)

Independent Telephone Learner Regulations, September 27, 1940, (5 F.R. 3829)

Knitted Wear Learner Regulations, October 10, 1940, (5 F.R. 3982), as amended by Administrative Order, March 13, 1943, (8 F.R. 3079)

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940, (5 F.R. 3392, 3393)

Textile Learner Regulations, May 16, 1941, (6 F.R. 2446) as amended by Administrative Order March 13, 1943, (8 F.R. 3079)

Woolen Learner Regulations, October 30, 1940, (5 F.R. 4302)

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941, (6 F.R. 3753)

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates.

Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES, AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

Grant Apparel Manufacturing Company, Ltd., 1240 So. Main Street, Los Angeles, California; women's blouses and shirts; 10 percent (T); effective December 22, 1943, expiring December 21, 1944.

J. Grinchuck Company, Main Street, Braidwood, Illinois; boys' longies; 10 percent (T); effective December 20, 1943, expiring December 19, 1944.

Lin-Dol Dress Company, First National Bank Building, Patton, Pennsylvania; children's cotton dresses; 20 learners (E); effective December 20, 1943, expiring May 5, 1944.

Peckville Dress Company, Inc., 707 River Street, Peckville, Pennsylvania; ladies' and children's dresses; 10 learners (T); effective December 20, 1943, expiring December 19, 1944.

HOSIERY

Altamahaw Hosiery Mills, Altamahaw, North Carolina; seamless hosiery; 5 learners (T); effective December 22, 1943, expiring December 21, 1944.

Bear Brand Hosiery Company, 205 East 21st Street, Gary, Indiana; full-fashioned and seamless hosiery; 5 percent (T); effective December 20, 1943, expiring December 19, 1944.

Bear Brand Hosiery Company, West Avenue and Hickory Street, Kankakee, Illinois; seamless hosiery; 5 percent (T); effective December 20, 1943, expiring December 19, 1944.

Dayton Hosiery Mills, Dayton, Tennessee; seamless hosiery; 5 percent (T); effective December 22, 1943, expiring December 21, 1944.

Juvenile Hosiery Mills, Inc., Box 898, Greensboro, North Carolina; seamless hosiery; 10 learners (AT); effective December 20, 1943, expiring June 19, 1944.

MILLINERY

American Hat Manufacturing Company, 160 Trinity Ave., S. W., Atlanta, Georgia; ladies' hats (popular priced); 4 learners (T); effective December 29, 1943, expiring June 28, 1944.

TEXTILE

Bear Brand Hosiery Company, West Avenue and Hickory Street, Kankakee, Illinois; cotton yarns; 3 percent (T); effective December 20, 1943, expiring December 19, 1944.

CIGAR

Florida Cigar Company, East Jefferson Street, Quincy, Florida; cigars; 10 percent (T); effective December 21, 1943, expiring December 20, 1944.

Signed at New York, N. Y., this 21st day of December 1943.

ISOBEL FERGUSON,
Authorized Representative
of the Administrator.

[F. R. Doc. 43-20357; Filed, December 23, 1943;
11:10 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 924]

AMERICAN AIRLINES, INC.

NOTICE OF HEARING

In the matter of the application of American Airlines, Inc., for an amend-

ment of temporary certificate of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of the act, in the above-entitled proceeding insofar as it proposes to include San Antonio, Texas, as an intermediate point between Fort Worth-Dallas, Tex., and Monterrey, Mexico, on its Fort Worth-Dallas-Mexico City, Mexico route, that hearing is assigned for January 10, 1944, at 10 a. m. (eastern war time) in Room 2232 Post Office Building, 12th Street and Pennsylvania Avenue NW., Washington, D. C.

Dated: December 22, 1943.

By the Civil Aeronautics Board.

[SEAL]

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-20349; Filed, December 23, 1943;
10:43 a. m.]

CONTINENTAL AIR LINES, INC.

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith for Continental Air Lines, Inc., over routes Nos. 29, 43, and 60.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said act, that hearing in the above-entitled proceeding is assigned to be held on January 19, 1944, 10:00 a. m. (eastern war time) in Conference Room C, Departmental Auditorium, Constitution Ave., between 12th and 14th Sts. NW., Washington, D. C., before Examiner Ross I. Newmann.

Dated: December 21, 1943.

By the Civil Aeronautics Board.

[SEAL]

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-20350; Filed, December 23, 1943;
10:43 a. m.]

[Docket No. 1083]

NORTHEAST AIRLINES, INC.

NOTICE OF HEARING

In the matter of the application of Northeast Airlines, Inc., under section 401 (d) and 408 (b) of the Civil Aeronautics Act of 1938 for approval by the Board of the transfer of certificate of public convenience and necessity and of the purchase and merger of the properties of Mayflower Airlines, Inc.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, in the above-entitled proceeding, that hearing is assigned for January 6, 1944, 10 a. m. (eastern war

time) in Room 5042 Commerce Building before Examiner Frank A. Law, Jr.
 Dated: December 21, 1943.
 By the Civil Aeronautics Board.

FRED A. TOOMBS,
 Secretary.

[F. R. Doc. 43-20351; Filed, December 23, 1943;
 10:43 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-515]

W. C. FEAZEL, ET AL.

ORDER INSTITUTING INVESTIGATION AND
 FIXING DATE FOR HEARING

DECEMBER 21, 1943.

In the matter of W. C. Feazel, J. Floyd Hodge, Thomas J. Hill, and R. J. Leche. It appearing to the Commission that:

(a) W. C. Feazel, J. Floyd Hodge, Thomas J. Hill and R. J. Leche, co-partners, purchase natural gas under a contract with the East Texas Refining Company of Delaware and sell such gas to the United Gas Pipe Line Company, which transports and sells the gas purchased in interstate commerce; that such purchases and sales are made in the name of W. C. Feazel for the benefit of the co-partners whose respective interests are as follows:

	Interest
W. C. Feazel, Monroe, Louisiana.....	%
J. Floyd Hodge, Ruston, Louisiana.....	%
Thomas J. Hill, New Orleans, La.....	%
R. J. Leche, Covington, La.....	%

(b) The co-partners do not own or operate any facilities for the production, gathering or transportation of such natural gas in question, since East Texas Refining Company of Delaware delivers the gas directly to United Gas Pipe Line Company in the Rodessa Field, Caddo Parish, Louisiana;

(c) During the 12 months ending June 30, 1942, the co-partners purchased 2,67,082 Mcf. of natural gas under the contract with East Texas Refining Company of Delaware for which they paid 2¢ per Mcf. or a total of \$55,341.64, and sold the same gas to United Gas Pipe Line Company at 4¢ per Mcf. or \$110,683.28, resulting in a profit of \$55,341.64;

(d) The co-partners have not applied for, or received, a certificate of public convenience and necessity pursuant to the provisions of section 7 (c) of the Natural Gas Act, as amended;

The Commission finds that: It is necessary and appropriate, in the public interest, to carry out and aid in the enforcement of the provisions of the Natural Gas Act, that an investigation be instituted by the Commission, as herein-after provided, into the facts, conditions, practices, and matters herein referred to;

The Commission, on its own motion, orders that:

(A) An investigation into the operations of W. C. Feazel, J. Floyd Hodge, Thomas J. Hill, and R. J. Leche be and the same is hereby instituted for the purpose of enabling the Commission:

(i) To determine (a) whether they, or any of them, jointly or severally, are a natural-gas company within the mean-

ing of that term as used in the Natural Gas Act; (b) whether any lawful utility service whatever is rendered by them, or any of them; and (c) whether in connection with the transportation or sale of natural gas subject to the jurisdiction of this Commission, any rates, charges or classifications, demanded, observed, charged or collected, or any rule, regulations, practices or contracts affecting such rates, charges or classifications are unjust, unreasonable, discriminatory or preferential;

(ii) To determine and fix by appropriate order or orders just and reasonable rates, charges, classifications, rules, regulations, practices or contracts to be thereafter observed and in force, if the Commission, after hearing, finds that they, or any of them, jointly or severally, are a natural-gas company within the meaning of the Natural Gas Act, and that any of their rates, charges, classifications, rules, regulations, practices or contracts, subject to the jurisdiction of this Commission, are unjust, unreasonable, unduly discriminatory or preferential; and

(iii) To determine whether the provisions of the Natural Gas Act or the orders of the Commission issued pursuant thereto, or any of them, have been violated;

(B) A public hearing be held commencing on January 19, 1944 at 9:45 a. m. (C. W. T.) in the Federal Court Room, in the United States Post Office Building, Monroe, Louisiana, respecting the matters and issues involved in this proceeding;

(C) Interested State commissions may participate in this proceeding, as provided in § 67.4 of the provisional rules of practice and regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
 Secretary.

[F. R. Doc. 43-20356; Filed, December 23, 1943;
 11:06 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 2767]

JOHANN LUEHNE

In re: Invention and disclosure thereof of Johann Luehne.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Johann Luehne is a citizen and resident of Germany and is a national of a foreign country (Germany);

2. That the invention and disclosure described in subparagraph 3 hereof are property of Johann Luehne;

3. That the property described as follows: The disclosure identified as follows:

TC-Number, Inventor and Invention

TC-1080; Johann Luehne; Bottle stopper, together with the entire right, title and interest throughout the United States and its territories in and to, together with the right

to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such disclosure,

is property of a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 10, 1943.

[SEAL] LEO T. CROWLEY,
 Alien Property Custodian.

[F. R. Doc. 43-20352; Filed, December 23, 1943;
 10:58 a. m.]

[Vesting Order 2770]

I. G. FARBEINDUSTRIE AKTIENGESELLSCHAFT

In re: Inventions and disclosures thereof of I. G. Farbenindustrie Aktien-gesellschaft.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That I. G. Farbenindustrie Aktiengesellschaft is a corporation organized under the laws of Germany and is a national of a foreign country (Germany);

2. That the inventions and disclosures thereof described in subparagraph 3 hereof are property of I. G. Farbenindustrie Aktien-gesellschaft;

3. That the property described as follows: The disclosures identified in Exhibit A attached hereto and made a part hereof, together with the entire right, title and interest throughout the United States and its territories in and to, together with the right to file applications in the United States

Patent Office for Letters Patent for, the invention or inventions shown or described in such disclosures,

is property of a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 13, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

TC Number, Inventor, Invention and German Application Numbers

TC-1100; Unknown; Production of unsaturated hydrocarbons; 1.63 375.
TC-1101; Unknown; Softeners or fillers for rubber or synthetic materials; 1.62 956.
TC-1102; Unknown; Process for the catalytic cracking of hydrocarbon oils; 1.62 629.
TC-1103; Unknown; High pressure receptable; Supplement to 1.60 562.
TC-1104; Unknown; Process for the production of liquid propellants; 1.62 731.
TC-1105; Unknown; Process for carrying out reactions with substances containing carbon; 1.63 206.
TC-1106; Unknown; Process for carrying out reactions with combinations containing carbon; 1.63 255.
TC-1107; Unknown; Process for the catalytic hydrogenation of substances containing carbon; 1.62 836.
TC-1108; Unknown; Method of bringing about of reactions with carbon-containing materials; 1.67 401.
TC-1109; Unknown; Arrangement for heating of oils to be used for hydrogenation by pressure; Supplement to 1.58 021.
TC-1110; Unknown; Process to obtain organic preferably liquid products from solid organic substances through pressure-extraction; Unknown.

TC-1111; Unknown; Electro-magnetic drive of agitators in high-pressure vessels; 1.64 112.

TC-1112; Unknown; Mediums of adsorption and catalyzers; 1.67 713.

TC-1113; Unknown; Process of Gasification of fine-grained carbon-containing waste materials; 1.64 608.

TC-1114; Unknown; Method of decomposition of oils having high-boiling point; 1.63 251.

TC-1115; Unknown; Method of production of anti-knock motor fuels; 1.65 390.

TC-1116; Unknown; Method of decomposition of residues of oil; 1.67 553.

TC-1117; Unknown; Method of production of hydrocarbon oils; 1.65 192.

TC-1118; Unknown; Process of conversion of hydrocarbons at high temperatures; 1.64 642.

TC-1119; Unknown; Process of production of gel of silica charged in the soluble materials; 1.64 368.

TC-1120; Unknown; Method of heating of gas or steamlike hydrocarbons; 1.66 829.

TC-1121; Unknown; Method of catalytic cracking of hydrocarbons; 1.66 989.

TC-1122; Unknown; Process of production of gas mixture rich in hydrogen from gas-like hydrocarbons; Unknown.

TC-1123; Unknown; Process of production of hydrocarbons; 1.63 460.

TC-1124; Unknown; Process for obtaining of unsaturated hydrocarbons through a dry distillation of solid combustible materials; 1.64 662.

TC-1125; Unknown; Process of production of anti-knock gasoline; 1.64 601.

TC-1126; Unknown; Process of obtaining gas reactions at high temperatures; 1.64 718.

TC-1127; Unknown; Method of production of argillaceous catalyzers; 1.64 799.

TC-1128; Unknown; Look for high-pressure vessels; 1.63 337.

TC-1129; Unknown; Process for conversion of hydrocarbons at high temperatures; 1.64 643.

TC-1130; Unknown; Process of removing of solid substances from oils; 1.63 719.

TC-1131; Unknown; Process of development of the residues of the hydrogenation of carbon; H. 1.61 623.

TC-1132; Unknown; Method of obtaining reactions with the substances containing carbon; 1.64 792.

TC-1133; Unknown; Method of obtaining reactions with the substances containing carbon; Unknown.

TC-1134; Unknown; Method of catalytic conversion of carbon monoxide and of the hydrogen; 1.63 779.

TC-1135; Unknown; Process of production of heating oil from distilled (or distillable) tars; 1.66 012.

TC-1136; Unknown; Conversion of carbon monoxide and of hydrogen; 1.63 572.

TC-1137; Unknown; Method of obtaining oils of high-boiling point; 1.64 071.

TC-1138; Unknown; Hollow bodies for high internal pressure; 1.64 603.

TC-1139; Unknown; Process of obtaining of catalytic reactions with substances containing carbon; 1.63 689.

TC-1140; Unknown; Process of hydrogenization by pressure of substances containing carbon; 1.63 093.

TC-1141; Unknown; Method of production of gasoline and Diesel oil; 1.63 873.

TC-1142; Unknown; Conversion of carbon monoxide with hydrogen; 1.63 658.

TC-1143; Unknown; Process of revitalizing of catalyzers; 1.65 213.

TC-1144; Unknown; Method of dealing with impure hydrogen; 1.65 092.

TC-1145; Unknown; Method of re-arrangement of low hydrocarbons with a straight or with branched chain; 1.66 072.

TC-1146; Unknown; Arrangement for heating of oils for the hydrogenization by pressure; 1.66 165.

TC-1147; Unknown; Process for obtaining of resin-like products of condensation; 1.63 291.

TC-1148; Unknown; Catalyzers for polymerization and condensation reactions; 1.62 847.

TC-1149; Unknown; Method of extraction of tar and solid distilled coke; Supplement to 1.61 317.

TC-1150; Unknown; Obtaining of reactions with substances containing carbon; 1.63 256.

TC-1151; Unknown; Process of hydrogenization by pressure of substances containing carbon; 1.63 092.

TC-1152; Unknown; Method of hydrogenization of carbon by pressure; 1.63 116.

TC-1153; Unknown; Process for obtaining of carbon monoxide hydrogen mixtures from gas-like hydrocarbons; 1.62 832.

TC-1154; Unknown; Process of obtaining organic, specially liquid products from solid organic substances by pressure extraction; Unknown.

TC-1155; Unknown; Process of uninterrupted treatment of lignites rich in alkali; 1.62 983.

TC-1156; Unknown; Method of production of Diesel oils; 1.63 192.

TC-1157; Unknown; Method of obtaining of tar and solid coke; Supplement to 1.61 317.

TC-1158; Unknown; Process of conducting heat-giving gas reactions; 1.64 446.

TC-1159; Unknown; Process of production of liquid hydrocarbons from tars, mineral oils or their fractions boiling at a higher point, especially from lignite tars; 1.63 032.

TC-1160; Unknown; Process for the catalytic polymerization of gaseous, unsaturated hydrocarbons; 1.63 118.

TC-1161; Unknown; Process for the production of viscous motor oils; 1.63 219.

TC-1162; Unknown; Process for the cleaning of triaryl phosphates used for the dephenolization of waste waters; 1.64 373.

TC-1163; Unknown; Liquid level indicator; 1.64 629.

TC-1164; Unknown; Cracking of mineral oil emulsions; 1.67 038.

TC-1165; Unknown; Process for the production of fuels; Unknown.

TC-1166; Unknown; Process for the production of non-resinifying motor fuels; 1.65 515.

TC-1167; Unknown; Process for the production of non-resinifying motor fuels; 1.65 516.

TC-1168; Unknown; Process for the production of non-resinifying motor fuels; 1.65 517.

TC-1169; Unknown; Process for cracking or the pressure hydrogenation of hydrocarbons; 1.65 989.

TC-1170; Unknown; Process for production of antiknock fuels; 1.64 049.

TC-1171; Unknown; Process for the catalytic cracking of substances containing carbon; 1.66 959.

TC-1172; Unknown; Process for cracking hydrocarbon oils; 1.66 169.

TC-1173; Unknown; Process for the catalytic cracking of hydrocarbon oils; 1.64 615.

TC-1174; Unknown; Process for cracking liquid hydrocarbons; 1.63 088.

TC-1175; Unknown; Process for working up silicic acid containing fluorine into adsorbents and catalyzers; 1.64 209.

TC-1176; Unknown; Process for cracking hydrocarbon oils; 1.64 580.

TC-1177; Unknown; Process of removal of gas constituents from gases by washing them out; 1.63 397.

TC-1178; Unknown; Process for the catalytic splitting off of hydrogen or its combinations; 1.63 535.

TC-1179; Unknown; Process for preventing the frothing of liquids and for doing away with the froth; 1.63 646.

TC-1180; Unknown; Process for obtaining finely divided carbon from gases; 1.63 372.

TC-1181; Unknown; Process for carrying out reactions with substances containing carbon; 1.63 134.

TC-1182; Unknown; Process for cracking liquid hydrocarbons; 1.62 627.

TC-1183; Unknown; Process for producing low-boiling hydrocarbon mixtures; 1.61 600.

TC-1184; Unknown; Process for carrying out catalytic reactions with substances containing carbon; 1.66 058.

TC-1185; Unknown; Process for obtaining organic, especially liquid, products from solid organic substances by pressure extraction; Unknown.

TC-1186; Unknown; Carrying out reactions between gases and liquids; 1.65 045.

TC-1187; Unknown; Process for obtaining organic, especially liquid products from solid organic substances by pressure extraction; Unknown.

TC-1188; Unknown; Process of conversion of carbon monoxide and of hydrogen; 1.67 099.

TC-1189; Unknown; Process for obtaining organic, especially liquid products from solid organic substances containing carbon, by pressure extraction; Unknown.

TC-1190; Unknown; Process for the conversion of carbon monoxide with hydrogen; 1.63 257.

TC-1191; Unknown; Cooling mantle for gas producers; 1.65 955.

TC-1192; Unknown; Experiments with catalytic conversions; 1.65 255.

TC-1193; Unknown; Process for the production of resinous combinations; 1.63 292.

TC-1194; Unknown; Process for the dephe-nolization of waste waters; Unknown.

TC-1195; Unknown; Aqueous leather surface dies; 1.67 029.

TC-1196; Unknown; Production of alcohols; 1.64 683.

TC-1197; Unknown; Production of alcohols; 1.64 693.

TC-1198; Unknown; Process for obtaining unsaturated gaslike hydrocarbons from the saturated ones; 1.67 600.

TC-1199; Unknown; Plastic masses; 1.67 382.

TC-1200; Unknown; Process for the production of olefins; 1.64 340.

TC-1201; Unknown; Process for the production of oxidation preventers; 1.63 403.

TC-1202; Unknown; Caulking substance for grooved boxes; 1.63 671.

TC-1204; Unknown; Method of production of salt-containing solutions of metal hydroxides; 1.62 993.

TC-1205; Unknown; Method of segregating of ammonia and hydrogen sulfide from gases; 1.63 094.

TC-1206; Unknown; Method of operation of tapped gas producers; 1.62 974.

TC-1207; Unknown; Process for caulking and lubricating stuffing boxes; 1.63 137.

TC-1208; Unknown; Process for the production of coatings; 1.66 512.

TC-1209; Unknown; Process of obtaining of working products from carbon which boil at high point; 1.63 454.

TC-1210; Unknown; Apparatus for indicating difference between two pressures; 1.65 382.

TC-1211; Unknown; Process for the production of contact bodies; 1.65 381.

TC-1212; Unknown; Process for washing gases; 1.67 638.

TC-1213; Unknown; Packing for short pieces of tube or pipe; 1.66 207.

TC-1214; Unknown; Process for the regulation of the parting plane position in containers containing two liquids that are not mixable with each other; 1.67 668.

TC-1215; Unknown; Packing for high pressure pipings and pressure vessels; 1.65 400.

TC-1216; Unknown; Stirrer for mixing liquid substances with solid, liquid and/or gaseous substances; 1.65 477.

TC-1217; Unknown; Distributor for gases, vapors or liquids, to be conveyed into an enlarged space; 1.67 203.

TC-1218; Unknown; Apparatus for the thermal treatment of substances; H.156 963.

TC-1219; Unknown; Process for obtaining phenols; 1.64 125.

TC-1220; Unknown; Painting agents, masses for smoothing with a spatula; 1.65 519.

TC-1221; Unknown; High pressure valve for liquids containing solid substances; 1.14 059.

TC-1222; Unknown; Conversion of carbon monoxide with hydrogen; 1.63 810.

TC-1223; Unknown; Arrangement for measuring the level of a liquid in a container; Unknown.

TC-1224; Unknown; Method of flushing out the liquids formed under pressure; 1.64 815.

TC-1225; Unknown; Process for the catalytic conversion of carbon monoxide with hydrogen; 1.64 241.

TC-1226; Unknown; Process for the catalytic polymerization of gaseous olefins in gases rich in olefins; 1.63 566.

TC-1227; Unknown; Apparatus for showing the levels of a liquid; 1.62 858.

TC-1228; Unknown; Process of purifying gas; 1.62 938.

TC-1229; Unknown; Process and apparatus for measuring the quantity and speed of flowing gases or liquids; 1.63 431.

TC-1230; Unknown; Process for separating solid substances from oils containing them; 1.63 317.

TC-1231; Unknown; Process for obtaining organic especially liquid products from solid organic substances by pressure extraction; Unknown.

TC-1232; Unknown; Stuffing box; 1.63 339.

TC-1233; Unknown; The calking of stuffing boxes; 1.63 338.

TG Number, Inventor, Invention and French Application Number

TC-1203; Unknown; Process for improving the chemical stability of elastic moulded articles of natural or synthetic rubber; 442,814.

[F. R. Doc. 43-20353; Filed, December 23, 1943; 10:58 a. m.]

[Supplemental Vesting Order 2815]

UCHIDA INVESTMENT CO.

In re: Uchida Investment Company.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Having found in Vesting Order No. 478, dated December 11, 1942, that W. Kitagawa, a resident of Japan, is a national of a designated enemy country (Japan);

2. Having determined in Vesting Order No. 478 that Uchida Investment Company, a California corporation, Venice, California, is a national of a designated enemy country (Japan);

3. Having vested, pursuant to Vesting Order No. 478, 497 shares of \$10 par value capital stock of Uchida Investment Company owned by W. Kitagawa;

4. Finding that W. Kitagawa has an interest in Uchida Investment Company which is represented on the books of said company as an account payable aggregating on July 1, 1943 the sum of \$6,000 with any additions or deductions subsequent thereto, which interest, together with the 497 shares (49.75%) of capital stock heretofore vested, is evidence of control of said business enterprise; and determining:

5. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated

as nationals of a designated enemy country (Japan);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the interest of W. Kitagawa in Uchida Investment Company, hereinbefore more fully described, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof, in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 16, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-20354; Filed, December 23, 1943; 10:58 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 188, Amdt. 22 to Order A-1]

REFRACTORY FLINT CLAY

MODIFICATION OF MAXIMUM PRICES

Amendment No. 22 to Order No. A-1 under § 1499.159b of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel.

An opinion accompanying Amendment No. 22 to Order No. A-1 has been issued simultaneously herewith and filed with the Division of the Federal Register.

Order No. A-1 is amended by adding a new paragraph (a) (20) to read as follows:

(20) Modification of maximum prices for drain tile. (i) The manufacturer's maximum price for clay or shale drain tile produced in the State of Indiana, established pursuant to the General Maximum Price Regulation or Maximum Price

Regulation No. 188, as amended, may be modified by adding an amount per thousand feet, not in excess of the amount set forth below opposite the following sizes and weights:

Size (inches)	Weight per foot	Increase per thousand feet
	<i>Pounds</i>	
3.....	4	\$1.70
4.....	6	2.60
5.....	9	3.80
6.....	12	5.10
8.....	18	7.70
10.....	28	11.90
12.....	36	15.30
14.....	45	19.10
15.....	56	23.80
16.....	66	28.10
18.....	78	33.20
20.....	85	36.10
22.....	107	45.50
24.....	120	51.00

Discounts and other price differentials and other terms and conditions of sale shall be at least as favorable to purchasers as those which were in effect by each manufacturer to his several classes of purchasers during March 1942.

(ii) On and after December 23, 1943, any person who purchases drain tile for resale, from any manufacturer who has modified his maximum price in accordance with this amendment, may increase his presently established maximum price by the dollar amount equal to his actual dollar increase in cost resulting from the increase permitted in (i) above.

(iii) This subparagraph (20) may be amended or revoked by the Price Administrator at any time.

This amendment shall become effective December 23, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-20328; Filed, December 22, 1943;
12:37 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-1544]

ELECTRIC PRODUCTS CORP.

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of December, A. D., 1943.

The Pittsburgh Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the common stock, no par value, of Electric Products Corporation;

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evi-

dence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on December 30, 1943.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-20339; Filed, December 22, 1943;
2:39 p. m.]

[File No. 1-565]

AUTO CITY BREWING CO.

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of December, A. D. 1943.

The Detroit Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the common stock, \$1 par value, of Auto City Brewing Company;

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on December 30, 1943.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-20337; Filed, December 22, 1943;
2:39 p. m.]

[File No. 1-1145]

PHILADELPHIA AND READING COAL AND IRON CORPORATION

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of December, A. D. 1943.

The Philadelphia Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the common stock, no par value, of Philadelphia and Reading Coal and Iron Corporation;

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective

at the close of the trading session on December 30, 1943.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-20338; Filed, December 22, 1943;
2:39 p. m.]

[File No. 1-1871]

WOLVERINE BREWING CO.

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of December, A. D. 1943.

The Detroit Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Common Stock, \$1 Par Value, of Wolverine Brewing Company;

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on December 30, 1943.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-20340; Filed, December 22, 1943;
2:39 p. m.]

[File No. 70-816]

AMERICAN LIGHT AND TRACTION CO., ET AL.

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 20th day of December 1943.

In the matter of American Light & Traction Company, Michigan Consolidated Gas Company, American Production Company, American Michigan Pipe Line Company, and Waverly Company.

American Light & Traction Company ("Traction"), a registered holding company and a subsidiary of The United Light and Railways Company and The United Light and Power Company, also registered holding companies, and Michigan Consolidated Gas Company ("Michigan Consolidated"), American Production Company ("Production"), American Michigan Pipe Line Company ("American Michigan Pipe Line") and Waverly Company ("Waverly") all subsidiaries of Traction, having filed with this Commission joint applications and declarations pursuant to sections 6, 7, 9, 10 and 12 of the Public Utility Holding Company Act of 1935 and Rules U-42, U-43, U-45 and U-50 pro-

mulgated thereunder regarding the following transactions:

(1) Michigan Consolidated will change its authorized common stock from 400,000 shares of 100 par value stock to 3,000,000 shares of \$14 par value stock and will issued to Traction 2,548,642.86 shares of such new common stock in exchange for the 356,810 shares of Michigan Consolidated's common stock now outstanding.

(2) Michigan Consolidated will issue and sell to Traction 150,621.43 additional shares of its new common stock for \$2,108,700 in cash.

(3) Michigan Consolidated will acquire all of the property and assets of Traction's subsidiaries, Production and American Pipe Line, by issuing to those companies 68,785.71 additional shares of new common stock having an aggregate par value of \$963,000, and by assuming all liabilities of those companies owing to the public.

(4) Production and American Pipe Line will be dissolved after transferring to Traction the common stock of Michigan Consolidated acquired in the preceding transaction and receiving from Traction their outstanding securities to be surrendered for cancellation.

(5) Michigan consolidated will purchase from non-affiliated interests, for approximately \$440,700 in cash, the property and inventories of Big Rapids Gas Company and Mecosta Pipe Line Company.

(6) Waverly will be dissolved following distribution of all its assets to Traction in exchange for the outstanding securities of Waverly.

(7) Michigan Consolidated will issue and sell to the public, through underwriters selected by competitive bidding, \$38,000,000 principal amount of First Mortgage Bonds, 3½% Series due 1968, and 40,000 shares of 4¾% Cumulative Preferred Stock. The proceeds from this financing, together with a portion of the proceeds obtained from the sale to Traction of additional shares of new common stock, as outlined in (2) above, will be applied by Michigan Consolidated to redeem all of its presently outstanding funded debt and preferred stock, consisting of \$36,000,000 principal amount of First Mortgage Bonds, 4% Series due 1963, \$4,150,000 principal amount of 4% Serial Notes due August 1, 1944 to 1948, and 20,000 shares of 6% Preferred Stock of 1927, having an aggregate par value of \$2,000,000.

A public hearing having been held, after appropriate notice, upon said applications and declarations; the Commission having been requested by the applicants to dispose immediately of the applications and declarations with respect to all of the proposed transactions with the exception of those relating to the issuance and sale of bonds and preferred stock, described in paragraph (7) hereinabove, and to reserve for subsequent consideration the proposed issuance and sale of such securities; the Commission having determined that such request should be granted; the Commission having considered the record and having filed its Findings and Opinion herein, and deeming it appropriate in

the public interest and in the interest of investors and consumers to grant the applications and to permit the declarations to become effective with respect to the matters described in paragraphs (1) through (6), inclusive, hereinabove, subject to the conditions hereinafter enumerated;

It is hereby ordered, That said applications and declarations, except those relating to the issuance and sale of bonds and preferred stock, and transactions incidental thereto, be, and they hereby are, granted and permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 and to the following additional conditions:

1. Jurisdiction is reserved with respect to the issue and sale of bonds and preferred stock by Michigan Consolidated and with respect to all the transactions incidental thereto.

2. Jurisdiction is reserved with respect to the reasonableness and the allocation of fees and expenses paid or incurred by applicants in connection with the various transactions.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 43-20342; Filed, December 22, 1943;
2:39 p. m.]

[File No. 70-805]

ILLINOIS POWER CO.

NOTICE OF FILING AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 21st day of December 1943.

Notice is hereby given that on December 20, 1943, Illinois Power Company filed an amendment to its application and declaration previously filed pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules and regulations thereunder. The original application and declaration, among other things, requested an exemption under section 6 (b) of the act for the issuance by Illinois Power Company of \$65,000,000 aggregate principal amount of First Mortgage and Collateral Trust Bonds ---% Series of 1973 to be sold pursuant to competitive bidding in accordance with Rule U-50.

In the amendment, Illinois Power Company requests a finding under Rule U-50 (a) (5) or an order under Rule U-100 granting an exemption from the competitive bidding requirements of Rule U-50 in order that the company may negotiate a sale of the bonds privately to a group of institutional investors.

It appearing to the Commission that the hearing on the original application and declaration, having been adjourned subject to call, should be reconvened for the purpose of adducing evidence in respect of the exemption from competitive bidding requested in the amendment.

It is ordered, That the hearing in this matter be reconvened on December 27, 1943, at 10:00 a. m., e. w. t., at the offices

of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, in such room as may be designated on said date by the hearing room clerk in room 318, before the same trial examiner as heretofore designated.

It is further ordered, That without limiting the scope of the issues presented by said application and declaration, as amended, otherwise to be considered in said hearing, particular attention will be directed at the hearing to the question whether it is appropriate in the public interest or for the protection of investors or consumers to grant an exemption to Illinois Power Company from the requirements of paragraphs (b) and (c) of Rule U-50 pursuant to the provisions of subparagraph (5) of Rule U-50 (a).

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 43-20341; Filed, December 22, 1943;
2:39 p. m.]

WAR FOOD ADMINISTRATION.

[Docket No. AO 173]

WICHITA, KANS., MARKETING AREA

NOTICE OF HEARING ON HANDLING OF MILK

Proposed marketing agreement and order regulating the handling of milk in the Wichita Kansas, marketing Area.

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 et seq.), and in accordance with the applicable rules of practice and procedure (7 CFR, 1941 Supp., 900.1-900.17; 7 F.R. 3350; 8 F.R. 2815), notice is hereby given of a hearing to be held in Room 501, Federal Building, Wichita, Kansas, beginning at 10 a. m., c. w. t., January 12, 1944, with respect to a proposed marketing agreement and order regulating the handling of milk in the Wichita, Kansas, marketing area.

This public hearing is for the purpose of receiving evidence with respect to a proposed marketing agreement and order, the provisions of which are herein-after set forth in detail. The proposed marketing agreement and order have not received the approval of the War Food Administrator, and at the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with by the proposed marketing agreement and order. The provisions of the proposed marketing agreement and order are as follows:

SECTION 1. Definitions. The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "War Food Administrator" means the War Food Administrator of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and perform the duties, pursuant to the act, of the War Food Administrator of the United States.

(c) "Wichita, Kansas, marketing area," hereinafter referred to as the "marketing area" means all the territory within the boundaries of Sedgwick County, Kansas.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Producer" means any person, irrespective of whether such person is also a handler who, in conformity with the applicable health regulations of the city of Wichita, Kansas, produces milk which is received at the plant of a handler from which milk is disposed of in the marketing area. This definition shall include any person who produces milk which a cooperative association causes to be delivered to a plant from which no milk is disposed of in the marketing area.

(f) "Handler" means any person who, on his own behalf or on behalf of others, disposes of as Class I or Class II milk in the marketing area all, or a portion of the milk purchased or received by him from (i) producers, (ii) his own production, and (iii) other handlers. This definition shall include a cooperative association with respect to milk which it causes to be delivered from a producer to a plant from which no milk is disposed of as Class I milk or as Class II milk in the marketing area.

(g) "Market administrator" means the person designated pursuant to section 2 as the agency for the administration hereof.

(h) "Delivery period" means the then current marketing period from the first to, and including, the last day of each month.

(i) "Cooperative association" means any cooperative association of producers which the War Food Administrator determines (a) to have its entire activities under the control of its members, and (b) to have and to be exercising full authority in the sale of milk of its members.

Sec. 2. Market administrator—(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the War Food Administrator. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at, the discretion of the War Food Administrator.

(b) *Powers.* The market administrator shall: (1) Administer the terms and provisions hereof; and (2) report to the War Food Administrator complaints of violation of the provisions hereof.

(c) *Duties.* The market administrator shall:

(1) Within 45 days following the date upon which he enters upon his duties execute and deliver to the War Food Administrator a bond, conditioned upon the faithful performance of his duties, in the amount and with surety thereon satisfactory to the War Food Administrator;

(2) Pay out of the funds provided by section 11 hereof the cost of his bond, his own compensation, and all other expenses necessarily incurred by him in the maintenance and functioning of his office;

(3) Keep such books and records as will clearly reflect the transactions provided

for herein and surrender the same to his successor or to such other person as the War Food Administrator may designate;

(4) Publicly disclose to handlers and producers, unless otherwise directed by the War Food Administrator, the name of any person who within 10 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to section 5 or (ii) made payments pursuant to section 8; and

(5) Promptly verify the information contained in the reports submitted by handlers.

Sec. 3. Classification of milk—(a) *Basis of classification.* All milk and milk products purchased or received by each handler, including milk of a producer which a cooperative association causes to be delivered to a plant for which no milk is disposed of as Class I milk or Class II milk in the marketing area, shall be reported by the handler in the classes set forth in (b) of this section; *Provided, That* (1) milk sold or disposed of by a handler as fluid milk to a non-handler who distributes fluid milk or cream shall be classified as Class I milk, and cream sold or disposed of by a handler as cream to such nonhandler shall be classified as Class II milk; (2) milk or cream sold or disposed of by a handler to a nonhandler who does not distribute fluid milk or cream shall be classified as Class III milk subject to verification by the market administrator; (3) milk sold or disposed of as fluid milk by a handler who purchases or receives milk from producers to another handler shall be classified as Class I milk; *Provided, That* if such milk, except milk sold or disposed of by such handler to another handler who purchases or receives no milk from producers, is reported by the receiving handler or by the disposing handler as having been utilized as Class II milk or Class III milk, such milk shall be classified accordingly, subject to verification by the market administrator; (4) cream sold or disposed of as fluid cream by a handler who purchases or receives milk from producers to another handler shall be classified as Class II milk; *Provided, That* if such cream, sold or disposed of by such handler to another handler who purchases or receives no milk from producers, is reported by the receiving handler or by the disposing handler as having been utilized as Class III milk, such cream shall be classified accordingly, subject to verification by the market administrator; and (5) milk or cream sold or disposed of by a handler who receives no milk from producers to another handler who receives milk from producers shall be classified in the lowest use classification of the purchasing handler.

(b) *Classes of utilization.* Subject to the conditions set forth in (a) of this section the classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk and skim milk disposed of in the form of milk, buttermilk, and milk drinks, whether plain or flavored, and all milk not specifically accounted for as Class II milk or Class III milk.

(2) Class II milk shall be all milk used to produce cream (for consumption as cream, including any cream product in fluid form which contains 6 percent or more butterfat), creamed cottage cheese, aerated cream, and eggnog.

(3) Class III milk shall be all milk specifically accounted for (i) as used to produce a milk product other than those specified in Class II milk and (ii) as actual plant shrinkage but not to exceed 3 percent of the total receipts of milk from producers.

(c) *Responsibility of handlers in establishing the classification of milk.* In establishing the classification, as required in (b) of this section, of any milk received by a handler from producers, the burden rests upon the handler who receives the milk from producers to account for the milk and to prove to the market administrator that such milk should not be classified as Class I milk.

(d) *Computation of milk in each class.* For each delivery period each handler shall compute, in the manner and on forms prescribed by the market administrator, the amount of milk in each class as defined in (b) of this section, as follows:

(1) Determine the total pounds of milk received as follows: add together the total pounds of milk received from (i) producers, (ii) own farm production, (iii) other handlers, and (iv) other sources.

(2) Determine the total pounds of butterfat received as follows: (i) Multiply by its average butterfat test the weight of the milk received from (a) producers, (b) own farm production, (c) other handlers, and (d) other sources, and add together the resulting amounts.

(3) Determine the total pounds of milk in Class I as follows: (i) Convert to pounds the quantity of Class I milk on the basis of 2.15 pounds per quart, (ii) multiply the result by the average butterfat test of such milk, and (iii) if the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk and Class III milk, computed pursuant to (4) (ii) and (5) (iv) of this paragraph is less than the total pounds of butterfat received computed in accordance with (2) of this paragraph, an amount equal to the difference shall be divided by 3.8 percent and added to the quantity of milk determined pursuant to (i) of this subparagraph.

(4) Determine the total pounds of milk in Class II as follows: (i) Multiply the actual weight of each of the several products of Class II milk by its average butterfat test, (ii) add together the resulting amounts, and (iii) divide the result obtained in (i) of this subparagraph by 3.8 percent.

(5) Determine the total pounds of milk in Class III as follows: (i) Multiply the actual weight of each of the several products of Class III by its average butterfat test, (ii) add together the resulting amounts, (iii) subtract from the total pounds of butterfat computed pursuant to (2) of this paragraph the total pounds of butterfat in Class I milk, computed pursuant to (3) (ii) of this paragraph, the total pounds of butterfat in Class

II milk, computed pursuant to (4) (ii) of this paragraph and the total pounds of butterfat computed pursuant to (ii) of this subparagraph which resulting quantity shall be allowed a plant shrinkage for the purposes of this paragraph (but in no event shall such plant shrinkage allowance exceed 3 percent of the total receipts of butterfat from producers by the handler), (iv) add together the results obtained in (ii) and (iii) of this subparagraph, and (v) divide the results obtained in (iv) of this subparagraph by 3.8 percent.

(6) Determine the classification of milk received from producers as follows:

(i) Subtract from the total pounds of milk in each class the pounds of milk which were received from other handlers and used in such class.

(ii) Subtract from the remaining pounds of milk in each class the pounds of milk which were received from sources other than producers, own farm production, and other handlers in series beginning with the lowest class.

(iii) Subtract pro rata from the remaining pounds of milk in each class the total pounds of milk which were received from the handler's own farm production.

(e) *Reconciliation of utilization of milk by classes with receipts of milk from producers.* In the event of a difference between the total quantity of milk used in the several classes as computed pursuant to (6) of (d) of this section and the quantity of milk received from producers, except for excess milk or milk equivalent of butterfat pursuant to section 6 (d), such difference shall be reconciled as follows:

(1) If the total utilization of milk in the various classes for any handler, as computed pursuant to paragraph (d) (6) of this section, is less than the receipts of milk from producers, the market administrator shall increase the total pounds of milk in Class III for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler.

(2) If the total utilization of milk in the various classes for any handler, as computed pursuant to paragraph (d) (6) of this section, is greater than the receipts of milk from producers, the market administrator shall decrease the total pounds of milk in Class III for such handler by an amount equal to the difference between the receipts from producers and the total utilization of milk by classes for such handler.

SEC. 4. *Minimum prices*—(a) *Class prices.* Subject to the differentials set forth in (c) and (d) of this section each handler shall pay producers, at the time and in the manner set forth in section 8 for milk purchased or received from them, not less than the following prices:

(1) *Class I milk.* The price per hundredweight of Class I milk during each delivery period shall be the price determined pursuant to (b) of this section plus 80 cents.

(2) *Class II milk.* The price per hundredweight of Class II milk during each delivery period shall be the price deter-

mined pursuant to (b) of this section plus 50 cents.

(3) *Class III milk.* The price per hundredweight of Class III milk during each delivery period shall be the highest price paid for ungraded milk containing 3.8 percent butterfat during the delivery period by any of the following: De Coursey Cream Company at its plants at Wichita or Anthony, Kansas; the Central Kansas Cooperative Creamery Association at its plant at Hillsboro, Kansas; or the Arkansas City Cooperative Milk Association at its plant at Arkansas City, Kansas.

(b) *Basic formula price to be used in determining Class I and Class II prices.* The basic formula price to be used in determining the Class I and Class II prices, set forth in this section, per hundredweight of milk as computed and announced by the market administrator on or before the 5th day of the delivery period, shall be the arithmetical average of the prices per hundredweight reported to the United States Department of Agriculture as being paid all farmers for milk of 3.5 percent butterfat content during the immediately preceding delivery period at the following plants and places:

Borden Company, Mt. Pleasant, Mich.
Carnation Company, Sparta, Mich.
Pet Milk Company, Hudson, Mich.
Pet Milk Company, Wayland, Mich.
Pet Milk Company, Coopersville, Mich.
Borden Company, Greenville, Wis.
Borden Company, Black Creek, Wis.
Borden Company, Orfordville, Wis.
Carnation Company, Chilton, Wis.
Carnation Company, Berlin, Wis.
Carnation Company, Richland Center, Wis.
Carnation Company, Oconomowoc, Wis.
Carnation Company, Jefferson, Wis.
Pet Milk Company, New Glarus, Wis.
Pet Milk Company, Belleville, Wis.
Borden Company, New London, Wis.
White House Milk Company, Manitowoc, Wis.
White House Milk Company, West Bend, Wis.

divided by 3.5 and multiplied by 3.8, but in no event shall such basic formula price to be used be less than the Class III price computed pursuant to (a) (3) of this paragraph.

(c) Whenever the War Food Administrator finds and announces that the Class I price computed for any delivery period pursuant to (a) of this section, is not in the public interest, the Class I price for such delivery period shall be the same as the Class I price for the preceding delivery period: *Provided*, That if the War Food Administrator for two consecutive delivery periods finds and announces that the Class I price computed pursuant to (a) of this section is not in the public interest, he shall, upon the request of interested parties, and pursuant to the applicable provisions of the act, issue notice of and opportunity for a hearing upon a proposed amendment to this section of the order.

SEC. 5. *Reports of handlers*—(a) *Periodic reports.* On or before the 5th day after the end of each delivery period each handler who purchased or received milk from sources other than his own production or other handlers shall, with respect to milk or dairy products which were purchased, received, or produced by such

handler during such delivery period, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(1) The receipts at each plant of milk from each producer, the butterfat content, and the number of days on which milk was received from each producer;

(2) The receipts from such handler's own farm production and the butterfat content;

(3) The receipts of milk, cream, and milk products from handlers who purchase or receive milk from producers and the butterfat content;

(4) The receipts of milk, cream, and milk products from any other source and the butterfat content;

(5) The respective quantities of milk and milk products and the butterfat content which were sold, distributed, or used, including sales to other handlers for the purpose of classification pursuant to section 3; and

(6) Such other information with respect to the use of the milk as the market administrator may request.

(b) *Reports of payments to producers.* On or before the 20th day after the end of each delivery period, upon the request of the market administrator, each handler who purchased or received milk from producers shall submit to the market administrator his producer pay roll for such delivery period which shall show for each producer: (1) His total deliveries of base milk and total deliveries of milk in excess of base milk, (2) the average butterfat content of his milk, and (3) the net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

(c) *Reports of handlers whose sole source of supply is from such handler's own farm production or from other handlers.* Handlers whose sole source of supply is from such handler's own farm production or from other handlers shall make reports to the market administrator at such time and in such manner as the market administrator may require.

(d) *Verification of reports and payments.* The market administrator shall verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose disposition of milk the classification depends. Each handler shall keep adequate records of receipts and utilization of milk and milk products and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to:

(1) Verify the receipts and disposition of all milk and milk products, and in case of errors or omissions, ascertain the correct figures;

(2) Weigh, sample, and test for butterfat content the milk purchased or received from producers and any product of milk upon which classification depends; and

(3) Verify the payments to producers prescribed in section 8.

SEC. 6. *Application of provisions.* (a) The provisions of sections 3, 7, 8, 9, 10, and 11 shall not apply to a handler

whose sole source of supply is from such handler's own farm production or from other handlers.

(b) If a handler who purchases or receives milk from producers, purchases or receives milk or cream in bulk from another handler who purchases or receives no milk from producers and sells or disposes of such milk or cream for other than Class III purposes, the market administrator, in determining the net pool obligation of the handler, pursuant to section 7 (a) shall add an amount equal to the difference between (1) the value of such milk or cream according to its utilization by the handler and (2) the value at the Class III price.

(c) If a handler has sold or disposed of milk or cream which was received from sources other than producers, his own farm production, or other handlers as Class I or Class II milk within the marketing area to persons other than a handler who purchases or receives milk from producers, the market administrator, in determining the net pool obligation of the handler, pursuant to section 7, shall add an amount equal to the difference between (1) the value of such milk according to its utilization by the handler and (2) the value at the Class III price.

(d) If a handler has purchased or received milk or butterfat from sources determined as other than producer, own farm production, or other handlers, the market administrator, in determining the net pool obligation of the handler pursuant to section 7, shall consider such milk or the milk equivalent of such butterfat as Class III milk. If the receiving handler sells or disposes of such milk or butterfat for other than Class III purposes, the market administrator shall add an amount equal to the difference between (1) the value of such milk or butterfat according to its utilization by the handler and (2) the value at the Class III price. This provision shall not apply to milk or butterfat from sources determined as other than producers or handlers, if such handler can prove to the market administrator that such milk or butterfat was used only to the extent that milk of producers was not available.

(e) If a handler, after subtracting receipts from his own farm production, receipts from other handlers, and receipts from sources determined as other than producers, own farm production, or other handlers, has disposed of milk and/or butterfat at in excess of the milk and/or butterfat which, on the basis of his reports, has been credited to his producers as having been delivered by them, the market administrator, in determining the net pool obligation of the handler, pursuant to section 7, shall add an amount equal to the value of such milk and/or butterfat according to its utilization by the handler.

SEC. 7. Determination of uniform price to producers—(a) Net pool obligations of handlers. Subject to the provisions of section 6, the net pool obligation of each handler for milk received from producers during each delivery period shall be a sum of money computed for such delivery period by the market administrator as follows: Multiply the pounds

of milk in each class computed pursuant to section 3 (d) by the class price pursuant to section 4 (a) and add together the resulting values.

(b) *Computation and announcement of the uniform price.* For each delivery period the market administrator shall compute and announce the uniform price per hundredweight of milk as follows:

(1) Combine into one total the net pool obligations of all handlers computed pursuant to (a) of this section who made the reports prescribed by section 5 and who made the payments prescribed by section 8;

(2) Add the amount of the cash balance in the producer-settlement fund less the amount due handlers pursuant to section 8 (g);

(3) Subtract not less than 4 cents nor more than 5 cents per hundredweight of milk for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers.

(4) Compute the total quantity of milk which represents the delivered bases of producers and which is included in the computation made pursuant to (a) of this section.

(5) Compute the total value of the milk which is in excess of the delivered bases of producers determined pursuant to (4) of this paragraph and which is included in the computation pursuant to (a) of this section, by multiplying such quantity of milk by the Class III price.

(6) Compute the total value of the milk represented by the delivered bases of producers by subtracting the value obtained in (5) of this paragraph from the value obtained in (1) of this paragraph.

(7) Divide the result obtained in (6) of this paragraph by the quantity of milk represented by the delivered bases of producers as determined in (4) of this paragraph. This result shall be known as the uniform price per hundredweight for such delivery period for base milk of producers containing 3.5 percent butterfat.

(8) On or before the 8th day after the end of each delivery period notify all handlers and make public announcement of these computations, of the uniform price per hundredweight of base milk, computed pursuant to this paragraph, and of the Class I, Class II, and Class III prices computed pursuant to section 4.

SEC. 8. Payments for milk—(a) Time and method of payment. On or before the 10th day after the end of each delivery period each handler shall make payment, after deducting the amount of the payment made pursuant to (b) of this section, subject to the butterfat differential set forth in (c) of this section, for milk purchased or received from producers by such handler during each delivery period as follows:

(1) To each producer, except as set forth in subparagraph (3) of this paragraph, not less than the uniform price per hundredweight computed pursuant to section 7 (b) for that quantity of milk received from such producer not in excess of such producer's base;

(2) To each producer, except as set forth in subparagraph (3) of this paragraph, not less than the Class III price for that quantity of milk received from such producer in excess of such producer's base; and

(3) To a cooperative association for milk which it caused to be delivered to a handler from producers and for which such cooperative association collects payments, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers under subparagraph (1) of this paragraph.

(b) *Half delivery period payments.* On or before the 25th day of each delivery period, each handler shall make payment to each producer for the approximate value of the milk of such producer which, during the first 15 days of such delivery period, was received by such handler.

(c) *Butterfat differential.* If, during the delivery period, any handler has purchased or received from any producer milk having an average butterfat content other than 3.8 percent, such handler in making the payments prescribed in (a) of this section, shall add to the prices per hundredweight for such producers for each one-tenth of 1 percent of average butterfat content in milk above 3.8 percent not less than, or shall subtract from such prices for such producer for each one-tenth of 1 percent of average butterfat content in milk below 3.8 percent not more than, an amount computed as follows: to the average price of 92-score butter at wholesale in the Chicago market as reported by the United States Department of Agriculture for the delivery period during which such milk was received, add 20 percent and divide the resulting sum by 10.

(d) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to (e) and (g) of this section and out of which he shall make all payments to handlers pursuant to (f) and (g) of this section: *Provided*, That the market administrator shall offset any such payment due to any handler against payments due from such handler. Immediately after computing the uniform price for each delivery period, the market administrator shall compute the amount by which each handler's net pool obligation, including the payments to producers which are required to be made pursuant to section 6 is greater or less than the sum obtained by multiplying the hundredweight of milk of producers by the appropriate prices required to be paid producers by handlers pursuant to (a) of this section and adding together the resulting amounts, and shall enter such amount on each handler's account as such handler's pool debit or credit, as the case may be, and render such handler a transcript of his account.

(e) *Payments to the producer-settlement fund.* On or before the 10th day after the end of each delivery period, each handler shall pay to the market administrator for payment to producers through the producer-settlement fund,

the amount by which the net pool obligation of such handler including the payments required to be made pursuant to section 6 is greater than the sum required to be paid producers by such handler pursuant to (a) (1) and (2) of this section.

(f) *Payments out of the producer-settlement fund.* (1) On or before the 10th day after the end of each delivery period, the market administrator shall pay to each handler for payment to producers the amount by which the sum required to be paid producers by such handler pursuant to (a) (1) and (2) of this section is greater than the net pool obligation of such handler, including the payments required to be made pursuant to section 6.

(2) If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who, on the 10th day after the end of the delivery period, has not received the balance of such reduced payment from the market administrator, shall be deemed to be in violation of (a) of this section if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

(g) *Adjustment of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to the producer-settlement fund made pursuant to (d) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to (f) of this section, the market administrator shall, within 5 days, make payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payment to producers next following the disclosure.

SEC. 9. Base rating—(a) Determination of base. The base of each producer, who is not also a handler, shall be a quantity of milk for each delivery period calculated by the market administrator in the following manner: multiply the applicable figure computed pursuant to (b) of this section by the number of days for which such producer's milk was delivered during the delivery period: *Provided*, That, if during any period, the total milk not in excess of base, delivered by all producers, does not equal 105 percent of Class I and II sales for the period, the market administrator shall add thereto as emergency base, in the case of each producer who delivered milk in excess of his base, the percent of his excess milk which is the percent of total excess milk needed to bring total base deliveries

up to approximately 110 percent of Class I and II sales.

(b) *Determination of daily base.* (1) Effective for the calendar quarter ending (end of first quarter under order) the daily base of each producer shall be the daily base of each such producer on record in the office of the market administrator under License No. 44, or if no such figure is effective for any producer who is not also a handler, take that percentage of his deliveries in bulk during such period that the total Class I and II sales is of the total deliveries of all producers to the market.

(2) For each calendar quarter subsequent to (end of first quarter under order) the daily base of each producer shall be an amount calculated by the market administrator in the following manner: (i) Divide the total milk delivered by each producer not in excess of his base during the next preceding calendar quarter by the number of days in that quarter and (ii) if the total of figures so calculated for all producers is not equal to 110 percent of the total sales of Class I and II milk by all handlers, add to the figure for each producer an equal amount sufficient to bring the total to 110 percent of sales.

(3) In the case of a producer who is also a handler and who sells or disposes of all of his delivery routes to another handler who is not a producer, the market administrator shall determine a figure which is the average daily Class I and II milk sold by such producer during the previous three months. Any figure determined pursuant to this paragraph shall be effective from its determination until the end of the full calendar quarter next following and thereafter shall be superseded by a figure determined pursuant to (2) of this section.

(c) *Base rules.* (1) Any producer who ceases to deliver milk to a handler for a period of more than 30 consecutive days shall forfeit his base. In the event such producer thereafter commences to deliver milk to a handler, he shall receive a daily base computed in the manner provided in (b) (2) of this section.

(2) A landlord who rents on a share basis shall be entitled to the entire daily base to the exclusion of the tenant if the landlord owns the entire herd. A tenant who rents on a share basis shall be entitled to the entire daily base to the exclusion of the landlord if the tenant owns the entire herd. If the cattle are jointly owned by the tenant and landlord, the daily base shall be divided between the joint owners according to ownership of the cattle when such share basis is terminated.

(3) A producer, whether landlord or tenant, may retain his base when moving his entire herd of cows from one farm to another: *Provided*, That at the beginning of a tenant and landlord share relationship the base of each landlord and tenant may be combined and may be divided when such relationship is terminated.

(4) Base may be transferred only under the following conditions: (i) In case of death of a producer, his base may be transferred to a surviving member or members of his family who carry on the dairy operations, and (ii) on the retire-

ment of a producer, his base may be transferred to an immediate member of his family who carries on the dairy operations.

SEC. 10. Marketing service—(a) Deduction for marketing service. Except as set forth in (b) of this section, each handler shall deduct 4 cents per hundredweight from the payments made to each producer pursuant to section 8 (a) (1) and (a) (2) with respect to all milk of such producer purchased or received by such handler during the delivery period, and shall pay such deductions to the market administrator for market information to, and for the verification of weights, sampling, and testing of milk received from said producers. The market administrator may contract with a cooperative association or cooperative associations for the furnishing of the whole or any part of such services.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association, which the War Food Administrator determines to be qualified under the provisions of the act of Congress of February 18, 1922, is performing the services set forth in (a) of this section, each handler shall make the deductions from the payments to be made pursuant to sections 8 (a) (1) and (a) (2), which are authorized by such producers, and, on or before the 10th day after the end of each delivery period, pay over such deductions to the associations of which such producers are members.

SEC. 11. Expenses of administration. As his pro rata share of the expenses of the administration hereof, each handler who purchased or received milk from producers, with respect to all milk received from producers during the delivery period, shall pay to the market administrator, on or before the 10th day after the end of such delivery period, an amount not exceeding 4 cents per hundredweight, which amount shall be determined by the market administrator subject to review by the War Food Administrator.

SEC. 12. Effective time, suspension, or termination—(a) Effective time. The provisions hereof, or any amendment hereto, shall become effective at such time as the War Food Administrator may declare and shall continue in force until suspended, or terminated, pursuant to (b) of this section.

(b) *Suspension or termination.* Any or all of the provisions hereof, or any amendment hereto, may be suspended or terminated as to any or all handlers after such reasonable notice as the War Food Administrator shall give and shall, in any event, terminate whenever the provisions of the act cease to be in effect.

(c) *Continuing power and duty of the market administrator.* (1) If, upon the suspension or termination of any or all provisions hereof there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market

administrator shall, if the War Food Administrator so directs, be performed by such other person, persons, or agency as the War Food Administrator may designate.

(2) The market administrator, or such other person as the War Food Administrator may designate, shall (i) continue in such capacity until removed, (ii) from time to time account for all receipts and disbursements and when so directed by the War Food Administrator deliver all funds on hand, together with the books and records of the market administrator, or such person, to such person as the War Food Administrator shall direct, and (iii) if so directed by the War Food Administrator execute assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof of the market administrator, or such person as the War Food Administrator may designate, shall, if so directed by the War Food Administrator, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

Sec. 13. Agents. The War Food Administrator may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

Sec. 14. Emergency price provision. Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the War Food Administrator determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the War Food Administrator to be equivalent to or comparable with the price specified.

Copies of this notice of hearing may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 1331 South Building, Washington, D. C., or may be there inspected.

Dated: December 22, 1943.

THOMAS J. FLAVIN,
Assistant to the War
Food Administrator.

[F. R. Doc. 43-20363; Filed, December 23, 1943;
11:24 a. m.]

WAR PRODUCTION BOARD.

H. C. JACKSON

CONSENT ORDER

H. C. Jackson, of Washington, Georgia, at present engaged in the lumber business and farming interests, is charged by the War Production Board by letter dated November 30th with having begun construction on or about September 27, 1943, of a residence located four miles west of Washington, Georgia on State Highway No. 10, at an estimated cost of approximately \$6,000, without obtaining authorization from the War Production Board, and with having purchased and accepted delivery of certain materials for use in said construction without proper authorization. This construction was in violation of Conservation Order L-41, as amended, in that it exceeded the limit for such construction set out in said order. H. C. Jackson had general knowledge of building restrictions and of the orders of the War Production Board and should have known of the existence of Conservation Order L-41 prior to beginning construction. H. C. Jackson admits the violations as charged and does not desire to contest the same, and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of H. C. Jackson, the Regional Compliance Manager and the Regional Attorney, and upon the approval of a Compliance Commissioner, *It is hereby ordered*, That:

(a) H. C. Jackson, his successors or assigns or any other person, firm or corporation, shall not order, purchase, accept delivery of, or withdraw from inventory, or in any manner secure or use material or construction plant, as defined in Conservation Order L-41, as amended, on the aforesaid building located four miles west of Washington, Georgia on State Highway No. 10, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve H. C. Jackson, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on December 22, 1943.

Issued this 15th day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-20345; Filed, December 22, 1943;
4:40 p. m.]

MANSFIELD STRUCTURAL AND ERECTING CO.

CONSENT ORDER

The Mansfield Structural and Erecting Company, an Ohio corporation (hereinafter called the company), located at 429 Park Avenue East, Mansfield, Ohio, engaged in business as a steel warehouse, steel fabricator and erector, is charged by the War Production Board with failure to comply with General Preference Order M-21-b, as amended, in the following respects: Overstating its base period deliveries of iron and steel products from warehouse stock on War Production Board Form PD-83A reported on September 15, 1941, thereby increasing its true quota of iron and steel products resulting in the excessive acceptance of deliveries into its warehouse stock of 489.7 tons of iron and steel products between January 1, 1942, and March 31, 1943, and by incorrectly reporting on War Production Board Form PD-83 during the periods referred to, receipts of iron and steel products. The Mansfield Structural and Erecting Company admits the facts as stated, and has consented to the issuance of this order.

Wherefore, upon agreement and consent of the company, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) For the period from January 1, 1944, to June 30, 1944, the Mansfield Structural and Erecting Company, its successors or assigns, shall not receive into its warehouse stock general steel products as defined in General Preference Order M-21-b-1, as amended, of the product group and type authorized by its Warehouse Certificate, in an amount greater than an average of 200 tons each calendar quarter, unless hereafter specifically authorized in writing by the War Production Board.

(b) For the purposes of this order the word "steel" as used herein shall bear the same meaning as defined in paragraph (b) of General Preference Order M-21-b-1, as amended, and shall include any steel purchased from idle or excess inventories pursuant to paragraph (d) of General Preference Order M-21-b-1, as amended, the provisions of this paragraph to the contrary notwithstanding.

(c) Nothing contained in this order shall be deemed to relieve the company, its successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect upon the date of issuance and shall expire on June 30, 1944, at which time it shall have no further force or effect.

Issued this 22d day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-20346; Filed, December 22, 1943;
4:40 p. m.]